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Progress report of the Secretary-General on the recommendations of the Security Council mission to Central Africa

I. Introduction

1. The present report is submitted pursuant to the presidential statement of 25 July 2003 (S/PRST/2003/12), by which the Security Council requested me to submit a progress report on the implementation of the recommendations of the Security Council mission to Central Africa (S/2003/653) dated 17 June 2003.

2. The report reviews the status of implementation of the recommendations made by the Security Council mission regarding the Democratic Republic of the Congo, Burundi and the international conference on the Great Lakes region.

II. Democratic Republic of the Congo[1]

3. In its report, the Security Council mission, which visited the Democratic Republic of the Congo at the beginning of June 2003, noted that it had chosen to concentrate on a limited number of questions that required urgent attention. These questions included the installation of the transitional Government and the creation of a unified national army; the situation in Bunia and the situation in North Kivu; the need for the countries of the region to exert a positive influence on the situation; and the end of impunity.

4. In this connection, the mission recommended to the Security Council that it be prepared to pledge its full support to the transitional Government to be established in the Democratic Republic of the Congo by 30 June 2003 and to call on bilateral and multilateral donors to render all possible assistance in the reconstruction of the country, including in the development of capable unified armed forces and police service. In regard to the situation in Ituri, the mission recommended that the Security Council, when deciding on measures aimed at consolidating and restoring the peace in Bunia and taking forward the Ituri political process, take into account the severe logistical constraints on any international force and the widespread

[1] Developments in the Democratic Republic of the Congo since the visit of the Security Council mission were discussed in the fourteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2003/1098), of 17 November 2003.

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lawlessness and violence, as well as reports of the supply of arms into the country from outside sources. The mission also recommended that the Security Council increase pressure on the parties, both in the Democratic Republic of the Congo and throughout the region, to ensure that the necessary guarantees were provided to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to permit its verification activities. In regard to the human rights situation, the mission recommended that the Security Council consider practical steps that could be taken to end impunity in the Democratic Republic of the Congo. Taking note of the link between the illegal exploitation of the natural resources of the Democratic Republic of the Congo and the continuation of the conflict, the mission recommended that the Security Council be prepared to consider carefully and act on the recommendations to be made by the Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo in its then forthcoming report.

Establishment of the transitional institutions

5. On 30 June 2003, the forty-third anniversary of the independence of the country, President Kabila signed a decree appointing the members of the transitional Government, including 36 Ministers and 25 Vice-Ministers from the eight components and entities of the inter-Congolese dialogue. All the new Ministers and Vice-Ministers were sworn into office from 18 to 24 July and, on 24 July, the first meeting of the Council of Ministers, under the chairmanship of President Kabila, was held. On 8 August, the Council of Ministers adopted a comprehensive set of policy goals, including the removal of all barriers to the re-establishment of the national radio, press and television network; the formation of an integrated national army and integrated national police force; the harmonization of customs and taxes; and the rapid formation and deployment to Ituri of integrated units from the Congolese national police and the new Forces armées de la Republique démocratique du Congo. On 6 September, the Council of Ministers adopted a series of draft decrees on the organization and functioning of the Government, the various ministries, and the General Secretariat of the Government.

6. The 500-member National Assembly and the 120-member Senate were inaugurated in Kinshasa on 22 August. Since their inauguration, both houses of the transitional Parliament have adopted their internal rules of procedure. The National Assembly began its first ordinary session on 6 October. On 26 November, the transitional Government adopted its comprehensive programme for the transitional period, which was approved by the National Assembly on 18 December, with recommendations for several amendments concerning elections and the management of public companies. On 16 December, the Council of Ministers adopted several decrees relating to the establishment of a Committee for Disarmament, Demobilization and Reintegration, a National DDR Commission and the funding and management of the disarmament, demobilization and reintegration process, as well as on an Integrated Police Unit in Kinshasa and the Independent Electoral Commission. Despite some progress, the adoption of necessary legislation has been relatively slow. Accordingly, on 7 January 2004, the transitional Parliament started an extraordinary session in order to tackle the backlog on the examination and adoption of key legislation for the transition.

7. On 10 April 2003, my Special Representative convened the first meeting of the International Committee in Support of the Transition in Kinshasa, which has since

held regular meetings. The Committee comprises diplomatic representatives posted in Kinshasa of the permanent members of the Security Council, the Troika of the African Union (Mozambique, South Africa and Zambia), Angola, Belgium, Canada, Gabon, the African Union and the European Union. In a meeting between the Committee and President Kabila on 17 April 2003, all parties agreed that while the Congolese actors involved in the transitional Government should own and drive the peace process, the Committee would provide assistance and support to the transition. In this connection, the timely advice and intervention of the Committee was instrumental in resolving several deadlocks between the parties during the process leading to the installation of the transitional institutions.

Ituri

8. On 28 July 2003, the Security Council adopted resolution 1493 (2003), authorizing the deployment of the MONUC Ituri Brigade, under Chapter VII of the Charter. On 1 September 2003, MONUC assumed responsibility from the Interim Emergency Multinational Force (IEMF), which fully withdrew from the area by 15 September. Since 16 September 2003, MONUC has been enforcing a weapons-free policy, which was adopted by the Ituri Interim Administration, through cordon-and-search operations in Bunia and its environs in order to restore a sense of security in the town and dominate the armed factions.

9. The first phase of the mission's military expansion outside Bunia is under way. In this connection, MONUC is carrying out reconnaissance missions for future deployment, security assessments, humanitarian and human rights investigations, child protection activities, and liaison with local chiefs, political leaders and armed factions. By December 2003, five company outposts, at Iga Barrière, Bogoro, Marabo, Fataki and Tchomia-Kasenyi, had been established. It is planned that military deployments will extend to other sensitive areas in Ituri, including the north of the region.

10. It should be recalled that MONUC military deployments in Ituri are intended to stabilize the region to enable the Ituri Interim Administration to begin functioning and to facilitate its integration into the national transition process, including the restoration of State authority and institutions. To those ends, MONUC has supported the Interim Administration, which has continued to grow in influence and strength, by engaging the armed groups and the local population through its established mechanisms. Members of the Interim Administration regularly participate in reconnaissance missions outside Bunia, where meetings are held with the local authorities and the population to inform them of the existing peace process. The Interim Administration also organized successful peace marches in the town and is resolving problems relating to illegally occupied houses in Bunia. MONUC deployments outside Bunia are intended to facilitate the future extension of the Interim Administration's authority to other parts of Ituri.

Reconstruction of the Democratic Republic of the Congo and security sector reform

11. In regard to the integration of the armed forces of the belligerents, after considerable negotiation among the parties, on 24 June 2003, at the request of the national Follow-up Commission, the International Committee in Support of the Transition proposed a power-sharing formula to assist the parties to reach agreement

on the integrated high command. Further discussions among the Congolese parties, facilitated by my Special Envoy, Moustapha Niasse, together with the South African Minister for Local and Provincial Government, Fholisani Sydney Mufamadi, resulted in the signature, on 29 June, of a memorandum on the army and security, which provided for the allocation of senior posts in the integrated high command of the armed forces. On 6 August, agreement was reached to allocate three military regions to the former Government; two each to the Movement for the Liberation of the Congo and the Rassemblement congolais pour la démocratie (RCD) (Goma); and one each to RCD (National), RCD (Kisangani/Mouvement de libération) and the Mayi-Mayi. On 19 August, after further discussion among the parties on the nominees to fill the posts, President Kabila signed decrees appointing the chiefs of staff of the armed forces, and the commanders and deputy commanders of the 10 military regions. However, at this juncture, aside from the appointment of the senior military leaders and regional commanders, as well as the upcoming establishment in Kinshasa of an Integrated Police Unit and a Rapid Intervention Police unit and the effort led by the Government of Belgium to set up the first integrated and unified brigade in Kisangani, there is still a relative lack of clarity on the modalities for the integration and restructuring of the new Democratic Republic of the Congo armed forces, or for the setting up of a national Congolese police.

12. In regard to support for the reconstruction of the Democratic Republic of the Congo, a delegation of the transitional Government, led by the Minister of Finance, and including nine ministers representing all the components of the Transitional Government, met with development partners in Paris for a two-day Consultative Group meeting on 17 and 18 December 2003. The meeting was chaired by the World Bank and was attended by representatives from 15 donor countries and 17 international organizations. Participants commended the transitional Government for progress achieved since its establishment on 30 June 2003, and recognized the international community's sustained support as a key element for the success of the country's reunification and recovery. They announced or confirmed financial contributions, including about $1.08 billion in disbursements in 2004 and $1.2 billion in 2005, as well as pledges exceeding $3.9 billion for the period 2004-2006. Donors indicated that their contributions in the following years would remain at this level, and would likely be increased if progress on both political and economic fronts continued.

Ending impunity

13. Ending impunity in the Democratic Republic of the Congo is closely related to establishing the rule of law. Restoring and strengthening the rule of law in the Democratic Republic of the Congo entails supporting the transition process to ensure a stable environment where the rule of law can prevail, as well as creating the institutions and processes that give substance to the notion of the rule of law. The European Union has initiated a comprehensive assessment of the justice sector in the Democratic Republic of the Congo with the close participation of MONUC, the Department of Peacekeeping Operations, the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights, and the Governments of Belgium, France and the United Kingdom. The assessment, which commenced on 15 October, is expected to provide recommendations to restore and strengthen a capacity for the administration of justice, particular attention being paid to the organization and functioning of the

judiciary and the police and penal institutions in the Democratic Republic of the Congo. The mission is expected to finalize recommendations in the first quarter of 2004 and provide short-, medium- and long-term strategies prepared by various donors for the reform of the rule of law institutions and processes in the Democratic Republic of the Congo.

14. In the meantime, an interim concept of operations for MONUC activities related to the rule of law has been adopted. It includes the provision of immediate support for the establishment of an emergency justice capacity in Ituri; proposed actions in support of national reconciliation efforts, which aim, inter alia, to remedy past abuses and to prevent current and future ones by ensuring basic rule of law systems; the promotion of a human rights culture by integrating human rights components in capacity-building exercises; and the provision of support to the reform of the Congolese national police and related criminal justice matters. A new structure consisting of a dedicated rule of law unit has been established within MONUC, to support a soon-to-be-established rule of law Task Force, comprising United Nations agencies and other international organizations.

15. With regard to Ituri, given the disturbing human rights situation described above, MONUC, the European Union, Coopération française and the transitional Government are coordinating efforts for the rapid restoration of a justice capacity in Bunia. On 20 October, a joint meeting was organized with the Congolese Minister of Justice to discuss the appointment of personnel to restart police, judicial and penal institutions in Ituri. MONUC expressed readiness to support those institutions, including the provision of security and transport for personnel. Since then, rehabilitation work on Bunia prison has been completed. In December 2003, the transitional Government nominated magistrates to be deployed to Bunia. Their deployment, as well as that of additional Congolese police officers, is expected to take place in the coming weeks. Such deployments should be a first step towards filling the virtual vacuum in the judicial capacity in Bunia that contributed to sustaining a climate of rampant impunity in the area.

Improvement in regional relations

16. Since the establishment of the transitional Government, efforts to normalize relations between the Democratic Republic of the Congo and its neighbours have been intensified. On 25 September 2003, the Secretary-General convened a high-level meeting of heads of State and senior representatives of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda, as well as Angola, Mozambique, South Africa and the United Republic of Tanzania, in New York, with a view to launching a new chapter of the peace process. The meeting adopted a declaration of principles on good-neighbourly relations and cooperation, in which those present reaffirmed their respect for the sovereignty, territorial integrity and political independence of one another; and agreed to refrain from interfering directly or indirectly in one another's internal affairs. The countries concerned also promised to refrain from any action aimed at the partial or total disruption of the stability or territorial integrity of one another, and to prevent the direct or indirect supply of arms and support to armed groups operating in the eastern part of the Democratic Republic of the Congo. During the meeting, the countries concerned were encouraged to turn their commitments into concrete action — including by reopening diplomatic missions, developing trade links, resolving the issue of refugees and normalizing border controls, with the assistance of MONUC.

17. On 20 October, the Minister of Foreign Affairs of Rwanda, Charles Murigande, visited Kinshasa for the first time since the beginning of the conflict. During the visit, he made a public statement expressing the support of President Paul Kagame for the transitional Government and announcing that the two countries had entered a new era in their bilateral relations and would work collaboratively to restore peace. The Governments of the Democratic Republic of the Congo and Rwanda also decided to reopen their respective embassies in Kigali and Kinshasa and to develop mechanisms for the exchange of information. MONUC has agreed to assist the two Governments in establishing a joint mechanism to address the disarmament, demobilization and repatriation of Rwandan combatants, primarily members of the former Forces armées rwandaises and Interahamwe militia remaining on Congolese territory. The Minister for Regional Cooperation of the Democratic Republic of the Congo, Mbusa Nyamwisi, visited Kigali from 29 to 31 October to further develop future cooperation between the two countries. On 27 November, following a summit of the heads of State of the Democratic Republic of the Congo, Rwanda and South Africa in Pretoria, Rwanda and the Democratic Republic of the Congo issued a joint communiqué, pledging to find "new ways to finish the work started by the Third Party Verification Mechanism".

18. Ugandan Minister of State for Transport, Andruale Awuzu, met with transitional Government officials in Kinshasa to explore possibilities for improving trade opportunities in the region. The Minister for Regional Cooperation of the Democratic Republic of the Congo visited Kampala on 25 October to discuss the outstanding issues of the Luanda Agreement. The Government of the Democratic Republic of the Congo also formally extended an invitation to the Government of Uganda to dispatch its ambassador, who had been named earlier in the year, to Kinshasa. In a parallel initiative, Vice-President Jean-Pierre Bemba visited Kampala on 25 and 26 October, and was received by the President of Uganda, Yoweri Museveni. In addition, on 6 December, officials of the Democratic Republic of the Congo and Uganda met in Kampala for a second joint defence meeting and decided on the establishment of a Democratic Republic of the Congo-Uganda Joint Bilateral Security Intelligence Commission, with MONUC participation, before the end of 2003.

Exploitation of natural resources

19. In a letter dated 23 October 2003 (S/2003/1027), I transmitted to the President of the Security Council the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. The report states that since the Panel's previous report of 16 October 2002 (S/2002/1146, annex), a number of significant political developments have taken place in the Democratic Republic of the Congo, leading up to national unification in July 2003, as fighting intensified in the eastern part of the country, notably in the Ituri district. Illegal exploitation remains one of the main sources of funding for groups involved in perpetuating the conflict. The report added that over the past year, such exploitation has been characterized by intense competition among the various political and military actors as they have sought to maintain, and in some cases expand, their control over territory. Overall, however, the transition of control from foreign forces to the armed groups has led to a temporary reduction in the volume of illegally exploited resources.

20. Regarding next steps, the report noted that the Panel has consistently highlighted the need for a strengthened national capacity to assume control and regulate the exploitation of Congolese national resources. Now that unification has taken place, it is time to pursue that objective. Along with the extension of government authority, a number of institutional reforms have to be initiated immediately with the objective of effective control of borders, strengthened auditing capacity, and a break-up of the large, State-owned mineral-resource enterprises. Full disclosure of revenues earned from natural resources is an important first step. Regional cooperation and confidence-building measures are also important.

21. In response to the Panel's report, the President of the Security Council issued a statement on 19 November 2003 (S/PRST/2003/21), in which the Council urged all States concerned, especially those in the region, to take steps to end illegal activities by proceeding with their own investigations on the basis of the information accumulated by the Panel. It also encouraged States, trade organizations and specialized bodies to monitor the trade in raw materials from the region. The Council emphasized that the prompt re-establishment of State authority throughout the country, as well as the installation of a competent administration, would be decisive for ending the plundering of natural resources. It encouraged the international community to provide assistance to the transitional Government of the Democratic Republic of the Congo for that purpose.

III. Burundi[2]

22. The Security Council mission recommended in its report that: (a) the Security Council call on the international community to assist the African Mission in Burundi (AMIB) with adequate financial and logistical assistance and on the Secretary-General to provide appropriate expertise; (b) the Council urge donor countries to fulfil the commitments they made at the Paris and Geneva conferences and to continue to follow up closely this point with the international financial community; (c) the Council assist Burundi in putting an end to impunity and that it consider carefully the Government's request for the establishment of the international judicial commission of inquiry as provided for in the Arusha Agreement; and (d) support be provided to the efforts made by heads of State in the subregion to promote a settlement between Forces pour la défense de la démocratie (FDD) and the transitional Government, consistent with the Arusha peace process.

Support to the African Mission in Burundi

23. Since the deployment of the African Mission in Burundi (AMIB), United Nations agencies and AMIB have maintained regular consultations. In this context, United Nations agencies in Bujumbura, with political guidance from the United Nations Office in Burundi, are assisting AMIB within their respective mandates, and the designated official on 10 September signed a memorandum of understanding with AMIB on behalf of the United Nations country team regarding security arrangements for United Nations personnel who would undertake missions to cantonment sites.

[2] Developments in Burundi since the visit of the Security Council mission were discussed in the report of the Secretary-General on the situation in Burundi (S/2003/1146) of 4 December 2003.

24. The deployment of AMIB was completed in October 2003. All the troops committed to AMIB by South Africa, Ethiopia and Mozambique — some 3,000 troops — are now on the ground. Since the establishment of AMIB's first cantonment site in June 2003, the number of ex-combatants of the armed political movements signatories of the 7 October 2002 ceasefire agreements — Forces nationales de libération (FNL) (Alain Mugabarabona) and FDD (Jean-Bosco Ndayikengurukiye) — has slightly increased and now stands at 218 combatants. No additional site has been established since then as there was a need to improve planning and coordination of the overall disarmament, demobilization and reintegration process, including the mobilization of sufficient financial and logistical resources.

25. The African Union and the troop-contributing countries are carrying out outstanding work in Burundi despite the challenges confronting them. The United States and the United Kingdom supported, on a bilateral basis, the deployment of Ethiopian and Mozambican troops, respectively. Italy, Germany and the Netherlands also made financial contributions to AMIB. At the African Union's request, the United Nations dispatched, on several occasions, technical experts to Bujumbura and Addis Ababa to assist in the elaboration of the budget of AMIB. However, AMIB is faced with difficulties, possibly jeopardizing the significant contribution it has made to advance the peace process. As a result of the advocacy and resource mobilization efforts undertaken by the United Nations Office in Burundi and the United Nations agencies in Burundi, the European Union has agreed to provide 25 million euros from "envelope B" (non-programmed activities) of funds allocated to Burundi from the ninth European Development Fund allocation. Further, I addressed a letter in December to the leaders of donor countries and institutions appealing to them to contribute generously to AMIB. Already, some countries have responded positively.

26. A National Commission for Demobilization, Reinsertion and Reintegration (NCDRR) was established by presidential decree on 28 August 2003. The Commission will define and oversee the implementation of the demobilization and reintegration process in cooperation with AMIB and the Joint Ceasefire Commission (JCC). The Commission has an Executive Secretariat which carries out day-to-day activities for the process. The demobilization of child soldiers will be given priority.

27. The United Nations agencies in Bujumbura, with political guidance from the United Nations Office in Burundi, have started to assist AMIB and the transitional Government in the areas of disarmament, demobilization and reintegration and security sector reform. Technical planning and preparation with the participation of all stakeholders have been completed. The draft joint operations plan for Burundian armed groups and a draft disarmament, demobilization and reintegration operations manual were finalized in early December 2003 and will be submitted to the JCC for its consideration.

28. A United Nations inter-agency workshop was held from 17 to 18 December 2003 to discuss a possible joint programme of activities in support of disarmament, demobilization and reintegration in Burundi. On 22 December, a meeting was held at the United Nations Office in Burundi under the co-chairmanship of my Special Representative and the Special Representative of the African Union, with the participation of the Chairman of the JCC and the country representative of UNICEF, to discuss a request made by President Ndayizeye regarding logistical support for

Conseil national pour la défense de la démocratie-Forces nationales pour la défense de la démocratie (CNDD-FDD) combatants in assembly areas. Plastic sheeting has since been delivered to the transitional Government and CNDD-FDD.

29. A new impetus has been given to the activities of the JCC with the arrival in Bujumbura of the representatives of CNDD-FDD (Nkurunziza) on 4 December 2003. Currently, all the parties except FNL (Rwasa) are fully represented in the JCC and are participating effectively. They undertook a reconnaissance mission to the sites proposed by AMIB for "pre-disarmament assembly areas" of the armed groups and "demobilization centres" in mid-December. The three demobilization centres proposed by AMIB and visited by the JCC members are located in Bubanza province (north-west of Burundi), Gitega province (central Burundi) and Bururi province (southern Burundi). A further reconnaissance was carried out on 5 January 2004 and the JCC took a formal decision on these matters during its plenary meeting on 5 January. The Chairman of the disarmament, demobilization and reintegration subcommission arrived on 6 January while the chairman of the FTA subcommission was awaited on 13 January 2003.

30. Some progress has been made with the repatriation of Burundian combatants from the Democratic Republic of the Congo. On 28 December 2003, MONUC repatriated 151 Burundian ex-combatants and 10 dependants to Burundi. Those Burundian ex-combatants belonging to the FDD and the FNL had been cantoned since February 2003 at MONUC's transit centre at Adi Kivu, located 30 km north of Bukavu. The Burundian ex-combatants were transferred to the Gatumba refugee centre, where the National Commission for the Rehabilitation of the Sinistrés took care of them before taking them to their home districts. It is hoped that the repatriation will encourage the remaining ex-combatants to repatriate to Burundi.

Donor support for economic recovery

31. As I stressed in my report (S/2003/1146), despite the encouraging developments in the Burundi peace process, there is a risk that the hopeful signs of peace could be lost unless they are accompanied by improved living conditions, as a "peace dividend". I therefore urged the donor community to provide all-round assistance to Burundi by accelerating disbursement of the pledges made in Paris and Geneva. According to the transitional Government, the level of disbursement has been very slow. Only 10 per cent of the total amount pledged for its projects at these conferences in 2000 and 2001 had been received.

32. At the 16th session of the Implementation Monitoring Committee (IMC), held in Bujumbura on 24 November 2003, my Special Representative, who chairs the IMC, launched an appeal to the donor community to ensure that substantial funds are effectively and expeditiously released to enable the transitional Government to meet the principal challenges faced by the country and to implement the reforms and programmes needed to restore and strengthen lasting peace in Burundi.

33. On 13 and 14 January 2004, the transitional Government, in partnership with the Government of Belgium and with the technical support of UNDP, organized a forum of the development partners of Burundi, to address four issues: (a) assistance to the sinistrés (war victims) and internally displaced persons; (b) assistance to the national programme in support of good governance; (c) budgetary assistance and balance of payments; and (d) support to the reform of the defence and security sectors. President Ndayizeye participated in the donor's conference in Brussels,

which brought together representatives of major donor countries and international financial organizations. My Special Representative represented me at this important meeting.

34. Other initiatives within the United Nations system have taken place in order to provide assistance to restore the economy of Burundi. In July 2003, the Economic and Social Council established an Ad Hoc Advisory Group on Burundi, within the context of its discussion on African countries emerging from conflict.

35. In a statement before the Economic and Social Council on 19 December, the Chairman of the Ad Hoc Advisory Group referred to the mission of the Group to Burundi from 19 to 26 November 2003 and stated that the Group had been impressed by the work carried out by the Government of Burundi to engage on the path of sustainable development and to create the conditions for an increased involvement by the international community in support of these efforts. He also acknowledged the enormous economic and social challenges faced by the country, in particular the expected return of large numbers of refugees and internally displaced persons, and stressed that this situation called for strong international support to Burundi and a genuine partnership between the country and its development partners. The Group, which was represented at the Brussels forum, will submit its report to the Economic and Social Council at its organizational session for 2004, to be held on 4 and 5 February.

36. On the humanitarian side, the United Nations and its partners launched on 19 November 2003, the 2004 Consolidated Appeal, calling for some $71 million to address the humanitarian needs of Burundians. Last year, only 37.7 per cent of the 2003 requirements of the Consolidated Appeal Process was covered. I strongly urge donor countries to strengthen their support to humanitarian assistance efforts in Burundi.

Efforts aimed at putting an end to impunity

37. The human rights situation in Burundi is a matter of serious concern. Killings of civilians, arbitrary arrests and detentions, rapes and sexual violence, forced recruitment of child soldiers and inefficiency of the justice system continue to be reported. The perpetrators of human rights violations are either not punished or the trials are often too slow or fall short of internationally agreed standards for fair trials.

38. The issue of impunity, including accusations of war crimes, will continue to plague the socio-political scene in Burundi in the foreseeable future and might well constitute a major threat to the peace process. The Arusha Agreement adopted the concept of provisional immunity to deal with political crimes committed in the past as a means of allowing for the commencement, during the Transitional Period, of the national reconciliation and healing process. The Agreement also called for the putting in place of structures and mechanisms to deal with the issue of impunity. One of the central pieces of this process is the Truth and Reconciliation Commission, which is expected to play a major role in the reconciliation process. Regrettably, the adoption by Parliament of the law on the Truth and Reconciliation Commission has been stalled owing to disagreement between the two major political groupings comprising the Transitional Institutions, the G-7 and the G-10.

39. In November 2003, on the occasion of the visit to Burundi of my Under-Secretary-General for Political Affairs, the Burundi authorities gave assurances that all the difficulties had been overcome and that the Truth and Reconciliation Commission would be set up very soon, most probably during the parliamentary session in February 2004. The IMC is working closely with the transitional institutions on the modalities for the establishment of the Commission.

40. Lasting peace in Burundi could be achieved only if there is accountability for past and current human rights violations. To contribute to that end, the Field Office of the High Commissioner for Human Rights, despite very limited resources, has developed projects aimed at monitoring the human rights situation, strengthening the judiciary, assisting in the development of civil society and reinforcing a human rights culture within Burundi society. The Office, which focuses on the implementation of the Arusha Agreement, will help to build, if resources allow, the capacity of the Government's commission for human rights and networks of women leaders and human rights journalists.

41. With regard to the Government's request to the Security Council to establish an international judicial commission of inquiry, the United Nations stands ready to provide the assistance and advice that the Council deems appropriate.

Support to the regional efforts to promote a settlement between the transitional Government and CNDD-FDD (Nkurunziza)

42. The United Nations Office in Burundi has provided all-round support, including diplomatic and financial support, to the facilitation and regional peace initiative as well as to the Burundian parties. These efforts contributed to finalizing a comprehensive ceasefire agreement on 16 November 2003, which was signed in Dar es Salaam between the transitional Government and CNDD-FDD (Nkurunziza). The transitional National Assembly and the Senate adopted the comprehensive ceasefire agreement on 20 and 21 November 2003, respectively. This has permitted CNDD-FDD (Nkurunziza) representatives to return to Bujumbura and participate in the transitional institutions.

43. The implementation of the comprehensive ceasefire agreement has thus far proceeded in a relatively satisfactory way and according to the agreed timetable. On 23 November 2003, President Ndayizeye appointed a new cabinet, composed of 27 members, including four CNDD-FDD members. On 15 December 2003, President Ndayizeye appointed Brigadier General Adolphe Nshimirimana, former chief of staff of CNDD-FDD (Nkurunziza), as the Deputy Chief of Staff of the Burundi National Defence Force.

44. CNDD-FDD members appointed to cabinet positions have officially taken office, including Pierre Nkurunziza, leader of the movement, who was appointed State Minister for Good Governance and State Inspection.

45. In his New Year address to the Burundian people, President Ndayizeye called on all stakeholders to accelerate the implementation process and set deadlines for implementation. CNDD-FDD (Nkurunziza) reacted positively by announcing that although it could not meet the deadline of 5 January, it would make every effort to have its combatants gathered in the assembly areas by 10 January 2004.

46. On 6 January, President Ndayizeye signed a decree appointing 33 members of the joint military high command, 20 from the army and 13 from FDD (Nkurunziza),

The appointments are in accordance with a Forces Technical Agreement signed in Pretoria on 2 November 2003. On the same day, the President signed another decree outlining the mandate of the joint command. The command is expected to propose to the Government the size and structure of the new National Defence Force, taking into account the percentages given in the Forces Technical Agreement.

47. The joint command is also assigned the function of overseeing the disarmament, demobilization and rehabilitation programme of former rebel combatants, and of building trust between the armed forces and the former combatants of the CNDD-FDD and other movements that have signed ceasefire agreements with the Government. A joint security unit will be set up prior to the establishment of the new National Defence Force on 15 February 2004.

IV. Preparations for an international conference on the Great Lakes region

48. In its report, the Security Council mission considered that the installation of the Congolese transitional Government and the successful conclusion of a ceasefire in Burundi could clear the way for the possible convening of an international conference on the Great Lakes region.

49. Over the past six months, advances in the Democratic Republic of the Congo and Burundi peace processes have created a new momentum in favour of the conference. The core countries to the conference, with United Nations, African Union and donor support, have made progress in designing a process that favours substantive dialogue among them in the months ahead and offers the best hope of a successful outcome.

Launching of the preparatory process at the first meeting of core countries (June 2003)

50. The six core countries of the conference appointed national coordinators, who met for the first time on 23 and 24 June 2003 in Nairobi. At that meeting, they agreed to the proposed international conference and launched the preparatory process.

51. As noted in my report of 17 November 2003 to the Security Council (S/2003/1099) on preparations for an international conference on the Great Lakes region, the Nairobi meeting, which was convened under the auspices of the United Nations and the African Union, was essential in determining the future direction that the conference would take, and in defining its objectives, themes, structure, composition and tentative timetable.

52. In support of this process, the meeting of the Executive Council of the African Union at Maputo from 4 to 8 July 2003 encouraged the Chairperson of the African Union to pursue his efforts to ensure the success of the Conference. In the same vein, on 20 November, following a briefing by my Special Representative for the Great Lakes region, the Council adopted a presidential statement (S/PRST/2003/23) specifically devoted to the conference, in which it welcomed the progress made, called on the parties concerned to follow up this initial step with intensified efforts, and appealed to the countries of the region and the international community to provide political, diplomatic, financial and technical assistance.

Setting up the Group of Friends of the Great Lakes region (December 2003)

53. Another important development was the setting up of the Group of Friends of the Great Lakes region at a meeting that took place on 4 December 2003 in Geneva and which was attended by senior representatives of 28 countries and 10 multilateral institutions. The Group of Friends, which is co-chaired by Canada and the Netherlands, will be an important partner, providing political, diplomatic, technical and financial assistance throughout the preparatory process of the Conference. The executive committee of the group is now finalizing a document defining the financial modalities for supporting the activities of the preparatory process.

Discussing the way forward at the second meeting of the core countries (December 2003)

54. At their second meeting, convened in Nairobi on 19 December 2003, the national coordinators of the core countries took stock of the most recent developments in the preparatory process, discussed the way forward and adopted the decisions and recommendations discussed below with regard to the conference.

55. *Objective and priorities*. The meeting reiterated that, as agreed upon at the first meeting of national coordinators in June 2003, and on the basis of the recommendations of the heads of State of the region, the four adopted themes of the conference (S/2003/1099) were interlinked and equally important and should therefore be given equal and simultaneous treatment. The outcome of the conference could be a pact on security, stability and development that would promote a set of policies and programmes dealing with concrete issues pertaining to each of the four themes. It is expected that, in the field of peace and security, the pact would further reinforce and widen the scope of the declaration on the principles on good-neighbourly relations and cooperation between the Democratic Republic of the Congo and Burundi, Rwanda and Uganda, signed at the United Nations in New York on 25 September 2003.

56. *Participation*. The meeting confirmed the inclusion of Zambia in the group of core countries, bringing its membership to seven (Burundi, the Democratic Republic of the Congo, Kenya, Rwanda, the United Republic of Tanzania, Uganda and Zambia). It considered that more consultations were needed with the respective capitals on the issue of expansion of the core countries to other States. While the meeting registered its appreciation for other countries to be part of the conference, it also felt the need to define criteria of membership so as not to dilute the impact of the conference with a participation that was too broad. It was decided that the issue of expansion of membership would be further discussed following the meeting with African subregional organizations, on 12 and 13 January 2004 in Addis Ababa. By that time, the national coordinators would have an answer from their respective authorities.

57. *Timetable*. Owing to the delays in the setting up and operation of some of the national preparatory committees, delays due to either specific national political developments (Democratic Republic of the Congo) or to difficulties related to financial support, there was unanimity on the need to adjust the timetable adopted at the June meeting. Therefore, proposals were made for the first meeting of the Ministers of Foreign Affairs to take place in the second week of October 2004 and for the first summit to take place in November 2004. A final decision on the new full timetable will be made following the meeting of African subregional

organizations, scheduled on 12 and 13 January 2004 in Addis Ababa. The meeting, which will be attended by the national coordinators, is meant to map out the different programmes and projects of relevant African subregional organizations, the objective being to help to avoid duplication and strengthen common efforts towards the goals of the Conference.

58. Following that meeting, it will be imperative that the first regional preparatory meeting of national preparatory committees be convened as soon as possible. It is during that first regional preparatory meeting of the committees that detailed discussions on substance and priority programmes expected from the international conference will be initiated at the regional level. This meeting is expected to take place in February 2004. However, without the necessary budgetary provisions for staff and other resources for the office of the Special Representative of the Secretary-General for the Great Lakes region, the preparatory process will necessarily be delayed, or even seriously affected.

V. Observations

59. The installation of the transitional Government in the Democratic Republic of the Congo has brought positive developments to the country. The security environment in the East has improved. Signs of national reunification are evident, in particular the resumption of transport and commercial links connecting cities in the formerly divided territories. Significant progress has also been made in normalizing relations between the Democratic Republic of the Congo and its neighbours and the pace of disarmament, demobilization, reintegration and resettlement or repatriation of Rwandan, Ugandan and Burundian armed elements has accelerated beyond expectation. Progress has also been made at the national level in pursuing the goals of the transition, including the adoption of decrees regarding elections, disarmament, demobilization and reintegration, and the Integrated Police Unit, which is to provide security for transitional leaders and institutions. These are encouraging and important developments, especially in view of the years of war and division which have afflicted the country.

60. Nevertheless, much work remains to be done by the transitional Government and people of the Democratic Republic of the Congo in pursuing the objectives of the global accord. A clear prioritization of requirements is needed to ensure the success of the transition, including security sector reform, the rule of law and human rights, and elections. Moreover, the Government must continue to extend its authority throughout the country. In regard to security sector reform, despite a general consensus regarding the structure of the new armed forces, critical decisions on how to plan and implement the reform of the military have yet to be made. The situation is the same in regard to police reform. These decisions are essential for the implementation of disarmament, demobilization and reintegration. While work is being done in the area of human rights, considerable and sustained efforts will be required in regard to strengthening the judiciary and human rights institutions to put an end to impunity.

61. While the situation in the Democratic Republic of the Congo begins to evolve from one of crisis to positive, yet slow, developments in the transition to sustainable peace, it is critical that the Security Council's attention remain focused on the needs of the country. In supporting the transitional Government in its work, every effort

must be made to ensure that the international community speaks with one voice at all levels and uses the appropriate leverage available to it. In this connection, a welcome development is that the International Committee in Support of the Transition has grown in strength and influence over the past six months. Moreover, MONUC's presence and influence in the East is also growing and the mission is building up its capacity to assist in the rule of law, including police reform and elections. Yet, the financial and political support of key donor countries remains critical, particularly in the areas of security sector reform, the rule of law and elections, in order to lay the groundwork for the transition to a democratic state.

62. Substantial progress has been made in Burundi in implementing the recommendations of the Security Council mission, and the prospects for peace in Burundi have improved considerably. It is hoped that the declaration by Palipehutu-FNL (Rwasa) to enter into discussion with President Ndayizeye will be followed by concrete steps that will lead to that movement finally joining the camp of peace.

63. The challenges that lie ahead in the peace process in Burundi are tremendous, as the transitional period is expected to end in November 2004, following presidential and National Assembly elections. The international community's commitment will continue to be needed as the peace process enters a new crucial phase, and it should sustain its political advocacy role and maintain its financial, logistical and technical support to Burundi.

64. The United Nations Office in Burundi will continue to provide substantial support to the transitional Government, the transitional institutions and other Burundian partners for the successful conclusion of the peace process. The United Nations, which chairs both the IMC and the JCC, will continue to monitor the progress in the peace process and in the implementation of the ceasefire agreements, including the disarmament, demobilization and reintegration process, security sector reform, the repatriation of refugees and displaced persons, and the legal and constitutional aspects of the reconciliation process. The United Nations will likely be called upon to provide electoral assistance once relevant legal instruments are put in place.

65. The prospects for convening the international conference on the Great Lakes region have significantly improved in the last six months, as a result of the momentum in the Democratic Republic of the Congo and Burundi peace processes in particular. With the launching of the preparatory process in Nairobi last June, the outline of the conference has started to take shape. The core countries have put in place a framework in the context of which they will be conducting their dialogue and discussions on substantive issues in the coming months.

66. The launching of the preparatory process for the conference has increased the activities of the office of the Special Representative of the Secretary-General for the Great Lakes region. In addition to its previous activities, the office will have to convene in the coming months three important regional preparatory meetings and a set of regional thematic meetings. The staffing resources provided to the office of the Special Representative of the Secretary-General for the Great Lakes region are not sufficient. In order to be able to effectively carry out the increased tasks that have recently been entrusted to it, the office requires additional resources.

United Nations S/2004/53

Security Council

Distr.: General
21 January 2004

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Letter dated 20 January 2004 from the Secretary-General addressed to the President of the Security Council

I am attaching for your consideration and for the consideration of the members of the Security Council a letter dated 13 January 2004 from the President of the International Criminal Tribunal for the Former Yugoslavia, Judge Theodor Meron.

In his letter, President Meron recalls that the current term of office of the permanent judges of the International Tribunal for the Former Yugoslavia will come to an end on 16 November 2005. He states that a considerable number of trials that are currently under way are likely to continue beyond that date, as are several that are due to start during the course of this year or early in 2005. He states that, if permanent judges adjudicating in those trials are not elected to a new term of office, there is a substantial risk that those trials will have to start anew, with a completely fresh team of judges. This would significantly impair the ability of the International Tribunal to implement its Completion Strategy, as set out in Security Council resolution 1503 (2003) of 28 August 2003.

President Meron goes on to state that the rules which are currently available to address this problem, and likewise the expedients and procedures which have hitherto been employed by the International Tribunal and by the Security Council and the General Assembly, are likely to prove insufficient to the task or else wasteful of financial and human resources.

President Meron further notes that the term of office of the ad litem judges of the International Tribunal will come to an end on 11 June 2005. He states that there are certain trials currently under way in which ad litem judges are adjudicating that are likely to continue beyond that date. He recalls in this connection that, under the Statute of the International Tribunal as it currently stands, ad litem judges are not eligible for re-election.

President Meron states that the judges of the International Tribunal wish to bring these difficulties to the attention of the Security Council for its consideration and possible action. He emphasizes that the judges do not wish to recommend any particular solution to these difficulties. Mention is made, however, of the possibility that the Security Council might decide to amend the Statute of the International Tribunal so as to extend the terms of office of both the current permanent judges and the current ad litem judges. President Meron also outlines two alternative ways in which the Security Council might decide to effect such as extension.

04-21790 (E) 230104

I would be grateful if you could bring the present letter and its attachment to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

Annex

Letter dated 13 January 2004 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council

My fellow Judges have unanimously requested that I bring to your attention certain potential areas of improvement in the Tribunal's operation that, following our own internal discussion, we believe merit consideration by the Security Council.

As you may recall, by its resolution 1503 (28 August 2003), the Security Council called on the Tribunal to "take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010" (the "Completion Strategy"). In accordance with resolution 1503's direction that the Tribunal "take all possible measures" to meet the resolution's goals, the Judges of the Tribunal have discussed various steps that would ensure that trials take place with maximum efficiency. In the course of discussions, the implications of certain structural provisions of the Statute of the Tribunal have come to light.

Under the Statute of the Tribunal, the four-year term of the current permanent Judges of the Tribunal expires on 16 November 2005. The Statute then envisions an election for another four-year term of office, beginning 17 November 2005 and ending 16 November 2009. Past practice would suggest that the Secretary-General is likely to begin preparations for the election, including sending Governments the invitation for nominations, during the course of this year.

The approaching end of the mandate of Judges currently serving on the Tribunal raises serious concerns for trials that are likely to spill over from the current mandate into the next. A considerable number of ongoing trials, as well as several that will start in 2004 and early 2005, are unlikely to be concluded before 16 November 2005. If current Judges are not re-elected, there is a substantial risk that trials on which they are sitting will have to stop and start all over again with new Judges. Restarting and retrying long cases would be costly and wasteful and would make implementing the Completion Strategy highly unlikely. Of course, Rule 15 bis of the Rules of Procedure and Evidence allows two Judges to continue proceedings with a substitute Judge without the consent of the accused. However, because the substitute Judge must certify that he or she has familiarized himself or herself with the record of the proceedings — a provision that is not a mere formality but a requirement of fairness — Rule 15 bis cannot be used in cases in which a lengthy trial is significantly under way. Moreover, Rule 15 bis by its terms does not address the situation in which two Judges on the same case are not re-elected.

On occasion, when it was clear that the length of a trial was going to spill over into a new term, this problem was addressed by deferring assignment of Judges to the case in order to avoid the possibility that the trial would have to start over again if new Judges were elected. This method naturally delays trials that are ready to begin and slows the pace of the Tribunal's work. The option of the Council extending the mandate of individual Judges to finish a particular case is not an efficient one, as the new Judges elected in their place would take up their functions

and be remunerated but would not be able to start trials or other significant judicial work because of the lack of available courtrooms, offices and staff. The option of adopting a general rule akin to Article 13 (3) of the Statute of the International Court of Justice, pursuant to which Judges who are replaced nevertheless finish cases they have begun, likewise leaves the problem of cost-effective employment of newly elected Judges unresolved. Moreover, new Judges could only be employed in groups of three, the number necessary to form additional benches.

The situation is exacerbated in the case of ad litem Judges, as they cannot be re-elected at all. The mandate of all ad litem Judges is scheduled to expire on 11 June 2005. Certain major trials involving ad litem Judges are already likely to extend beyond that date. Such trials would automatically require the assignment of new Judges, again running the risk of having to start entire trials all over again. While the Council could choose to extend the mandate of individual ad litem Judges in particular cases or to permit ad litem Judges to run for re-election, a simpler option might be for the Council to extend the term of office of the ad litem Judges elected on 12 June 2001.

The holding of elections in 2005 as envisioned by the Statute is therefore likely to lead to delays in some cases and to a restarting of entire trials in others. In the view of the Judges of the Tribunal, action in early 2004 is needed to provide the Tribunal with the continuity, stability and certainty necessary for the efficient and effective planning of trials.

In the past two months, I have raised this matter informally with representatives of various Members of the Security Council in New York and at The Hague. Possible solutions to the problem were mentioned during those consultations. One suggested possibility was to extend the mandate of both permanent and ad litem Judges by a period coinciding with resolution 1503's target for the end of trials. Another suggestion was to institute a system whereby the mandate of Judges is automatically extended on a periodic basis (e.g., annually) unless the Security Council affirmatively decides to discontinue the extensions. The latter scheme would allow the Council an opportunity to assess the situation periodically.

Such extensions of the mandate of Judges could be accomplished through amendment of the Statute. Alternatively, and perhaps more simply, the Council could, acting under Chapter VII of the Charter, temporarily suspend the application of the relevant provisions of the Statute and adopt "transitional" arrangements for the composition of the Chambers during the Completion Strategy period.

The decision whether and how to address the implications of the electoral structure is a policy matter that rests with the Security Council. The Judges are therefore reticent to express a preference for either of the above options and merely note that both would address the concerns raised. The Council may well conceive of different measures that are equally responsive to the situation. We accordingly do not recommend a particular solution, but merely wish to bring the problem to the Council's attention for consideration and, if the Council deems appropriate, for timely action. In that context, the matter may also be brought to the attention of the General Assembly.

I and my colleagues at the Tribunal welcome the opportunity to consider ways in which to improve the efficiency of the Tribunal. We will continue to examine the

Tribunal's functioning and to seek out changes that will improve the Tribunal's ability to meet the goals set out in resolution 1503. Delays and interruptions in trial and appeals work must be avoided to the maximum extent possible in order for the Tribunal to implement the Completion Strategy and fulfil its historic mandate.

I remain, of course, ready and available to provide the Council with any additional clarifications.

(*Signed*) Theodor **Meron**

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General Assembly
Fifty-eighth session
Agenda item 37
The situation in the Middle East

Security Council
Fifty-ninth year

Letter dated 20 January 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I enclose herewith a summary of violations committed by Israel against Lebanese sovereignty.

At 1630 hours on 19 January 2004 an Israeli enemy force breached the Blue Line close to the village of Marwahin, when an armoured bulldozer crossed the border fence and entered Lebanese territory at the Birkat Risha outpost, opposite the villages of Bustan and Marwahin. The resistance then fired a rocket at the bulldozer, making a direct hit.

A military spokesman for the enemy later admitted that an Israeli bulldozer which had advanced several metres into Lebanese territory had been hit by a rocket and destroyed. In his statement, he said that one soldier had been killed and another had been seriously injured, and he threatened retaliation for the incident.

At 1030 hours on 20 January 2004 a patrol consisting of international emergency forces based in southern Lebanon, accompanied by officers of the Lebanese unit that liaises with those forces, conducted an inspection of the site where the breach had occurred. After taking the necessary measurements, using topographical equipment, they established the following facts:

- The enemy armoured bulldozer broke through the technical fence on the Blue Line at the middle post B23, located between the border posts BP8 and BP9, to the east of Birkat Risha, close to the village of Marwahin. The coordinates of the site of the violation are Vertical: 105150 and Horizontal: 129960.
- The Israeli bulldozer spent a long time inside Lebanese territory digging a hole of a depth of approximately 26 (25.9) metres and a width of around 200 metres.
- The crew of the enemy bulldozer had been intent on penetrating further into Lebanese territory, before elements of the resistance were obliged to fire a rocket at the bulldozer in order to prevent it from continuing its advance northwards inside Lebanese territory.

04-21505 (E) 230104 230104

- It is worth noting that, on 2 January 2004, the Israeli enemy breached the Blue Line in the vicinity of the middle post B24, close to the site of the incident, south of Marwahin. On that day, it excavated a plot of Lebanese land measuring approximately 300 metres x 25 metres and took down the border post that marks point B24 (point 46 on the Blue Line) in order to get a clear view of the line of fire in front of its fortified positions close to the Zar`it settlement inside the Occupied Territories.

- On 3 January 2004 the Lebanese liaison unit submitted a written letter of protest to the international emergency forces about the deliberate Israeli violation that had just occurred. They asked those forces to take the necessary steps to prevent the recurrence of such violations, which, if repeated by the enemy, could serve to escalate the situation and heighten tensions.

This grave violation is part of a series of provocative and persistent violations being committed by Israel against the integrity of Lebanon's airspace, territorial waters and territory, in contravention of the principles of international law, of Security Council resolutions and the repeated calls by the Secretary-General of the United Nations for the cessation of such violations.

In light of these violations and the increasingly threatening tone being used by Israel against Lebanon and against the integrity of its territory and its people, Lebanon calls on the Security Council to restrain Israel and to prevent it from carrying out these violations and threats, which are a threat to international security and peace. We call on Israel to bear full responsibility for whatever consequences may ensue.

In calling your attention to the gravity and possible consequences of these violations, I request that this letter of complaint be circulated as a document of the General Assembly under agenda item 37, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

United Nations A/58/689–S/2004/54*

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The situation in the Middle East

Security Council
Fifty-ninth year

Letter dated 20 January 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

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A military spokesman for the enemy later admitted that an Israeli bulldozer which had advanced several metres into Lebanese territory had been hit by a rocket and destroyed. In his statement, he said that one soldier had been killed and another had been seriously injured, and he threatened retaliation for the incident.

At 1030 hours on 20 January 2004 a patrol consisting of international emergency forces based in southern Lebanon, accompanied by officers of the Lebanese unit that liaises with those forces, conducted an inspection of the site where the breach had occurred. After taking the necessary measurements, using topographical equipment, they established the following facts:

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- The Israeli bulldozer spent a long time working at a depth of approximately 26 (25.9) metres and a width of around 200 metres inside Lebanese territory.

* Reissued for technical reasons.

04-21505* (E) 230104 270104

- The enemy bulldozer and its accompanying support had been intent on penetrating further into Lebanese territory, before elements of the resistance were obliged to fire a rocket at the bulldozer in order to prevent it from continuing its advance northwards inside Lebanese territory.

- It is worth noting that, on 2 January 2004, the Israeli enemy breached the Blue Line in the vicinity of the middle post B24, close to the site of the incident, south of Marwahin. On that day, it excavated a plot of Lebanese land measuring approximately 300 metres x 25 metres and took down the border post that marks point B24 (point 46 on the Blue Line) in order to get a clear view of the line of fire in front of its fortified positions close to the Zar'it settlement inside the Occupied Territories.

- On 3 January 2004 the Lebanese liaison unit submitted a written letter of protest to the international emergency forces about the deliberate Israeli violation that had just occurred. They asked those forces to take the necessary steps to prevent the recurrence of such violations, which, if repeated by the enemy, could serve to escalate the situation and heighten tensions.

This grave violation is part of a series of provocative and persistent violations being committed by Israel against the integrity of Lebanon's airspace, territorial waters and territory, in contravention of the principles of international law, of Security Council resolutions and the repeated calls by the Secretary-General of the United Nations for the cessation of such violations.

In light of these violations and the increasingly threatening tone being used by Israel against Lebanon and against the integrity of its territory and its people, Lebanon calls on the Security Council to restrain Israel and to prevent it from carrying out these violations and threats, which are a threat to international security and peace. We call on Israel to bear full responsibility for whatever consequences may ensue.

In calling your attention to the gravity and possible consequences of these violations, I request that this letter of complaint be circulated as a document of the General Assembly under agenda item 37, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

United Nations A/58/690–S/2004/55

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Security Council

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Fifty-eighth session
Agenda item 37
The situation in the Middle East

Security Council
Fifty-ninth year

Letter dated 20 January 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I enclose herewith a summary of violations committed by Israel from 4 to 8 January 2004.

Violations of airspace

Between 1010 and 1300 hours on 4 January 2004 an Israeli reconnaissance aircraft flew over the sea west of Sidon at a distance of 10 miles from the coast and then circled over the area between Tyre and Damur at an altitude of four miles, thereby violating Lebanese airspace.

Between 1150 and 1300 hours on the same date, two Israeli helicopters circled over the occupied Shab`a farmlands. Furthermore, between 1405 and 1410 hours, an Israeli enemy war plane circled over the aforementioned farmlands at high altitude.

Between 1505 and 1520 hours on the same date, two Israeli helicopters circled over the Abad outpost opposite the villages of Hula and Mays al-Jabal, thereby violating Lebanese airspace.

Between 1825 and 1930 hours on the same date, two Israeli helicopters circled over the occupied Shab`a farmlands. Between 2125 and 2150 hours they returned and again circled over the aforementioned farmlands.

Between 0750 and 1300 hours on 5 January 2004 an Israeli war plane circled at great altitude over the area opposite Ra's al-Naqurah, breaking the sound barrier and violating Lebanese airspace. It later returned and between 1530 and 1610 hours it circled at great altitude over the occupied Shab`a farmlands.

Between 1530 and 1600 hours on 6 January 2004 an Israeli war plane circled at great altitude over the occupied Shab`a farmlands.

04-21511 (E) 230104 230104

Violations of territorial waters

Between 0030 and 0200 hours on 2 January 2004, in the open sea off Ra's al-Naqurah, an Israeli military boat fired two flare bombs. It returned later, at 1830 hours, and fired a flare bomb over the water.

At 0030 hours on 3 January 2004, in the open sea off Ra's al-Naqurah, an Israeli military boat fired a flare bomb over the water.

Between 1715 and 2000 hours on the same date, four military boats belonging to the Israeli enemy were seen sailing in occupied Palestinian territorial waters.

At 2140 hours on 4 January 2004, in the open sea off Ra's al-Naqurah, an Israeli military boat fired two flare bombs and a number of bursts of medium-weapons fire over the water.

Between 1830 and 2230 hours on 5 January 2004, in the open sea off Ra's al-Naqurah, an Israeli military boat fired two flare bombs over the water.

At 1645 hours on 6 January 2004, in the open sea off Ra's al-Naqurah, an Israeli military boat fired a number of bursts of medium-weapons fire over the water.

At 1859 hours on 8 January 2004, in the open sea off Ra's al-Naqurah, an Israeli military boat fired a number of bursts of medium-weapons fire over the water.

At 0950 hours on 9 January 2004, in the open sea off Ra's al-Naqurah, an Israeli military boat fired a number of bursts of medium-weapons fire. It returned later, at 2235 hours, and fired a number of bursts over the water.

Israeli acts of aggression

Between 1200 and 1240 hours on 2 January 2004 Israeli enemy forces fired a number of bursts of light- and medium-weapons fire from their positions inside the occupied Shab`a farmlands in various directions.

At 1955 hours on 3 January 2004 Israeli enemy forces fired two flare bombs from their position inside the Occupied Territories opposite the village of Yarun over the area surrounding the position.

Between 1255 and 1310 hours on 4 January 2004 Israeli enemy forces strafed the area surrounding their position, opposite the village of Yarun, with bursts of medium-weapons fire.

At 1745 hours on 5 January 2004 Israeli enemy forces strafed the area surrounding their position in Fashkul, inside the occupied Shab`a farmlands, with bursts of medium-weapons fire.

At 0130 hours on 6 January 2004 Israeli enemy forces fired a number of bursts of medium-weapons fire from their position opposite Labuna in the direction of the area surrounding the position.

At 1435 hours on 8 January 2004 Israeli enemy forces fired a number of bursts of medium-weapons fire from their position in Ruwaisa al-Alam in the direction of the area surrounding the position.

This grave violation is part of a series of persistent and provocative violations being committed by Israel against the integrity of Lebanon's airspace, territorial waters and territory, in contravention of the principles of international law, Security Council resolutions and the repeated calls by the Secretary-General of the United Nations for the cessation of such violations.

In light of these violations and the increasingly threatening tone being used by Israel against Lebanon and against the integrity of its territory and its people, Lebanon calls on the Security Council to restrain Israel and to prevent it from carrying out these violations and threats, which are a threat to international security and peace. We call on Israel to bear full responsibility for whatever consequences may ensue.

In calling your attention to the gravity and possible consequences of these violations, I request that this letter of complaint be circulated as a document of the General Assembly under agenda item 37, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

United Nations S/2004/56

Security Council

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21 January 2004

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Letter dated 20 January 2004 from the Permanent Representative of Angola to the United Nations addressed to the President of the Security Council

I have the honour to forward herewith the assessment of the work of the Security Council for the month of November 2003, during the Presidency of Angola (see annex).

In the absence of any objection by the members of the Council to the present assessment, I kindly request that it be circulated as a document of the Security Council.

(*Signed*) Ismael A. **Gaspar Martins**
Ambassador
Permanent Representative

04-21867 (E) 270104

Annex

Annex to the letter dated 20 January 2004 from the Permanent Representative of Angola to the United Nations addressed to the President of the Security Council

Assessment of the Security Council work during the Presidency of Angola (November 2003)

Introduction

The Security Council was presided in the month of November 2003 by Ambassador Ismael Gaspar Martins, Permanent Representative of Angola to the United Nations. During the month, the Council held 29 meetings: 11 closed consultations; 6 open briefings; 5 formal meetings; 4 private meetings and 3 public meetings; adopted five resolutions: on the situation of Côte d'Ivoire, on the Middle East, including the Palestinian question, on threats to international peace and security caused by terrorist acts, on Cyprus and on the situation between Iraq and Kuwait; adopted six presidential statements: on Somalia, Côte d'Ivoire, the Democratic Republic of the Congo, the importance of mine action for peacekeeping operations, the Great Lakes region and the situation between Iraq and Kuwait. The President of the Security Council issued statements to the press relating to Burundi, the Democratic Republic of the Congo, Côte d'Ivoire and Afghanistan.

The Security Council held a high-level public meeting on the Great Lakes region, with the participation of the Secretary-General, who delivered a statement, ministers of countries of the region, the representative of the current Chairman of the African Union, the representative of the Chairman of the Commission of the African Union and the Special Representative of the Secretary-General for the Great Lakes region. The aim of the Presidency in bringing the theme to the Council was to build on previous decisions of the Council and other forums towards the holding, at an appropriate time, of an international conference on peace, security, democracy and development in the Great Lakes region of Africa, to be organized under the aegis of the United Nations and the African Union, with a view to achieving sustainable peace, security and stability for all countries in the region, in particular through the full normalization of their relations and the establishment of confidence-building measures and mechanisms. The Security Council adopted a presidential statement (S/PRST/2003/23) in which it reiterated its commitment to the holding of such a conference.

Africa

Guinea-Bissau

On 18 November, the Security Council, presided by the Minister of External Relations of Angola, held a private meeting with a delegation of Guinea-Bissau headed by the President of the country, Mr. Henrique Pereira Rosa. The Secretary-General took part in the meeting and made a statement. The President of the Economic and Social Council, the representative of the current Chairman of the Economic Community of West African States (ECOWAS), the representative of the

Community of Portuguese-speaking Countries, the Chairman of the Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council and the Representative of the Secretary-General and Head of the United Nations Peace-building Support Office in Guinea-Bissau also took part in the meeting. The President of Guinea-Bissau, addressing the Council, referred to the political transition in his country and gave assurances that elections would be held according to the timetable foreseen in the Political Transition Charter. A communiqué on the session (S/PV.4860) was issued on 18 November 2003.

Côte d'Ivoire

The situation in Côte d'Ivoire was under close scrutiny by the Security Council during the month. The Council, in closed consultations held on 11 November, considered the report of the Secretary-General (S/2003/1069) on the United Nations Mission in Côte d'Ivoire (MINUCI), which provided an assessment of the implementation of the Linas-Marcoussis Agreement and described the activities of MINUCI. On 13 November, the Council adopted resolution 1514 (2003), in which it extended the mandate of MINUCI until 4 February 2004 and requested the Secretary-General to report to the Council on how peace efforts of MINUCI might be improved and in particular the possible reinforcement of the United Nations presence in Côte d'Ivoire. Also on 13 November, the Council adopted a presidential statement (S/PRST/2003/20) on the situation in Côte d'Ivoire. On 24 November, the Council, with the participation of the Secretary-General, held a private meeting with a ministerial delegation of ECOWAS, which had come to New York to press its case with the Security Council, in relation to the appeal by the Heads of State of ECOWAS member States to the Security Council to consider the strengthening of the ECOWAS mission in Côte d'Ivoire and its transformation into a United Nations peacekeeping operation. A communiqué on the session (S/PV.4874) was issued on 24 November 2003.

Democratic Republic of the Congo

The Security Council on 19 November adopted a presidential statement (S/PRST/2003/21) on the situation concerning the Democratic Republic of the Congo, in which the Council took note of the final report (S/2003/1027) of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, which had concluded its work. In the report, the Panel emphasized the connection, in the context of the continuing conflict, between the illegal exploitation of natural resources and trafficking in raw materials and arms, which had been highlighted by the Panel.

On behalf of the Security Council, the President of the Council, on 12 November 2003, issued a press statement condemning the violence in Ituri on 5 November, which had been provoked by militiamen of the Union des patriotes congolais and other militia, and which in turn had prompted a MONUC response.

Liberia

The Security Council, in closed consultations on 6 November, considered the situation in Liberia. The Assistant Secretary-General for Peacekeeping Operations Hédi Annabi, provided a briefing to the Council on the security situation, the deployment of the United Nations Mission in Liberia (UNMIL), the implementation

of the Accra Peace Agreement and the humanitarian situation. Concerning the sanctions regime on Liberia, the Chairman of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia presented an oral report referring to the necessity for the Committee to continue its consideration of the recommendations of the Panel of Experts, with respect to maintaining all sanctions imposed by the United Nations, banning the export of diamonds until an international certification scheme is established; the monitoring of all borders by UNMIL to avoid timber exports; keeping in place the arms embargo; and recommendations concerning civil aviation and the maritime sectors as well as economic and financial issues.

Somalia

On 4 November, the Representative of the Secretary-General for Somalia, Winston Tubman, presented to the members of the Security Council the report of the Secretary-General (S/2003/987) on the situation in Somalia. The Council discussed the report in closed consultations. On 19 November, the Council adopted a presidential statement (S/PRST/2003/19) on the situation in Somalia, in which it reaffirmed its commitment to a comprehensive and lasting settlement of the situation in Somalia and its respect for the sovereignty, territorial integrity, political independence and unity of the country, consistent with the purposes and principles of the Charter of the United Nations.

Central African region

The Security Council held a public meeting on 24 November to consider the strengthening of cooperation between the United Nations system and the Central African subregion in the maintenance of peace and security. The basis of the Council's deliberations was the interim report of a multidisciplinary assessment mission that had visited central Africa from 8 to 22 June, focusing on issues of peace, security, economic development, humanitarian affairs, human rights and HIV/AIDS, and aiming at defining subregional strategies to address those challenges.

The Assistant Secretary-General for Political Affairs, Tuliameni Kalomoh, head of the mission, introduced the report, in which the mission determined that a holistic approach was needed to address the linkage between conflict and poverty, involving all actors concerned with the region.

The Secretary-General agreed with the assessment as a whole and requested a thorough review of all programmes of the Organization in terms of their effectiveness. Regarding the establishment of a United Nations office in the subregion, the Secretary-General noted that there were already a number of offices in the subregion, as well as other initiatives in which the members of the Economic Community of Central African States (ECCAS) were involved. Instead of establishing an office, he proposed the appointment of a special envoy to focus on political issues in the subregion.

In addition to the members of the Security Council, statements were made by the representatives of the Congo, Italy (on behalf of the European Union), the Democratic Republic of the Congo, Rwanda, Chad and Equatorial Guinea, as well as the Permanent Observer of the African Union and the Deputy Secretary-General for Political Affairs of ECCAS.

Asia

Afghanistan

The Head of the Security Council mission to Afghanistan, the Permanent Representative of Germany to the United Nations, on 11 November, presented to the members of the Council the report of the mission. In the report, the mission recognized the significant progress achieved by the Afghan Government with the support of the international community, in implementing the Bonn Agreement and recovering from the devastation caused by two decades of war. It recognized also that major challenges lay ahead and much remained to be done, and furthermore stressed that insecurity caused by terrorist activities, factional fighting and drug-related crimes remained the major concerns in Afghanistan. The report was adopted by the Council without debate.

The President, on behalf of the Security Council, issued two press statements on Afghanistan, on 12 and 17 November, one condemning in the strongest possible terms the terrorist attack against the United Nations headquarters in Kandahar, on 11 November, and the other condemning the murder, on 16 November, of Bettina Goislard, a staff member of the Office of the United Nations High Commissioner for Refugees.

Middle East

On 19 November, the Security Council held its monthly regular open briefing on the situation in the Middle East, including the Palestinian question. The Under-Secretary-General for Political Affairs, Sir Kieran Prendergast, briefed the Security Council, stating that with a new Palestinian Prime Minister in place, all parties involved in peace-building between Israelis and Palestinians should recommit themselves to the process and leave behind the inaction of the past month. In the ensuing closed consultations, the members of the Council agreed on the text of a draft resolution, sponsored by Bulgaria, Chile, China, France, Germany, Guinea, Mexico, the Russian Federation, Spain and the United Kingdom of Great Britain and Northern Ireland, and adopted unanimously as resolution 1515 (2003). In the resolution, the Council endorsed the Quartet performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict and calls upon the parties to fulfil their obligations under the road map in cooperation with the Quartet and to achieve the vision of two States living side by side in peace and security.

Iraq

On 21 November, the Security Council heard briefings by the Permanent Representatives of the United States of America and of the United Kingdom, in response to paragraph 24 of Security Council resolution 1483 (2003), in which the Council had encouraged the United Kingdom and the United States to inform the Council at regular intervals of their efforts under the resolution. The United States Permanent Representative centred his briefing on the agreement between the Iraqi Governing Council and the Coalition Provisional Authority for the political transition leading to the restoration of Iraq sovereignty; the Permanent Representative of the United Kingdom centred his briefing on the provision of basic services, as well as economic reconstruction, human rights and justice issues.

On 24 November, the Security Council adopted resolution 1518 (2003), in which it established a Committee of the Security Council to identify funds or other financial resources of the previous Government of Iraq or removed from Iraq, or acquired by Saddam Hussein or other senior officials of the former Iraqi regime or their families.

Oil-for-food programme

The month of November marked a historic moment for the United Nations, with the end of the oil-for-food programme. The Security Council held consultations on 19 November in which the Executive Director of the Iraq Programme, Benon Sevan, briefed the Council on the final arrangements for the closing of the programme. On 20 November, the Council held an open briefing in which the Secretary-General made a statement on the end of the programme, marking the "completion of one of the largest, most complex and most unusual tasks it has ever entrusted to the Secretariat — the only humanitarian programme ever to have been funded entirely from resources belonging to the nation it was designed to help". The Council adopted a presidential statement (S/PRST/2003/24) on the same day, underlining the exceptionally important role of the programme in providing humanitarian assistance to the people of Iraq under the regime of sanctions imposed by the Security Council on the previous Government of Iraq.

Europe

Cyprus

On 21 November, the Council, in closed consultations, considered the report of the Secretary-General on the United Nations operation in Cyprus (S/2003/1078), covering developments from 21 May to 10 November and bringing up to date the record of activities carried out by the United Nations Peacekeeping Force in Cyprus (UNFICYP) as well as the mission of good offices of the Secretary-General. In the final observations of the report, the Secretary-General expressed the belief that only the achievement of a comprehensive settlement would bring an end to the Cyprus problem and that in the absence of such a comprehensive settlement, the presence of UFICYP on the island continued to be necessary for the maintenance of the ceasefire. The Secretary-General therefore recommended that the Security Council extend the mandate of the Force for a further period, until 15 June 2004.

The Security Council on 24 November adopted resolution 1517 (2003), in which it extended the mandate of UNFICYP for a further period, ending 15 June 2004.

Kosovo

The Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, on 6 November, provided the Security Council with a briefing on the new policy for Kosovo, which would be a main thrust of the activities of the United Nations Interim Administration Mission in Kosovo until 2005. The aim of the policy was to establish, in the framework of the strategy of "norms before status", a mechanism for monitoring the performance of the provisional institutions of Kosovo in complying with the norms, with the ultimate objective of defining the final status of the territory.

Georgia

On 12 November, the Special Representative of the Secretary-General for Georgia, Heidi Tagliavini, introduced the report of the Secretary-General on the situation in Abkhazia, Georgia (S/2003/1019), submitted in compliance with the Security Council's request that the Secretary-General report three months after the 30 July extension of the United Nations Observer Mission in Georgia. In the observations sections of the report, the Secretary-General expressed his hope that practical cooperation on matters of mutual interest would further contribute to a climate of trust between the two sides, but stressed that in order to achieve lasting stability and security, the political issue at the heart of the conflict must ultimately be addressed. The Secretary-General urged the sides, in particular the Abkhaz side, to enter into a meaningful dialogue on the core issue of the conflict.

Other issues

The importance of mine action for peacekeeping operations

The Security Council met in an open meeting on 13 November to consider the item entitled "The importance of mine action for peacekeeping operations". The Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, and the Director of the Geneva International Centre for Humanitarian Demining, Martin Dahinden, provided briefings to the Council. They stressed that landmines, unexploded ordnance and all other explosive remnants of war constituted a threat to the security of United Nations workers, peacekeepers and affected populations; they also hampered the ability to conduct peacekeeping operations and to deliver humanitarian assistance. Mine action contributed to lasting peace and security by removing the threat, empowering populations to cope with risk and assisting those who fell victim to mines.

On 19 November, the Security Council adopted a presidential statement (S/PRST/2003/22), in which it expressed its grave concern at the harmful and widespread impact of landmines and unexploded ordnance on civilian populations and welcomed the effective coordination of mine action activities within the United Nations system and the important mandate of the United Nations Mine Action Service of the Department of Peacekeeping Operations. The Council also recognized the significant contribution to mine action made by States, international and regional organizations and local and international non-governmental organizations.

HIV/AIDS

The Security Council held an open briefing on 21 November on the item entitled "The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations". The background of the briefing was Council resolution 1308 (2000), adopted on 17 July 2000, in which the Council had encouraged all interested Member States to consider voluntary HIV/AIDS testing and counselling for troops to be deployed in peacekeeping operations and had expressed concern at the potentially damaging impact of HIV/AIDS on the health of international peacekeeping personnel, including support personnel.

The Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, and Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS), Peter Piot, briefed the Security Council on the implementation of resolution 1308 (2000), which addressed HIV/AIDS among peacekeeping forces and their host populations.

Mr. Guéhenno, in his briefing concluded that there was a need to ensure that dynamic and responsive HIV/AIDS programmes existed for the duration of a peacekeeping mandate. He characterized the efforts made to date as but an initial step in an expanding and evolving programme

Dr. Piot said that resolution 1308 (2000) had reshaped the global landscape of the fight against AIDS. Despite the fact that the Security Council had not taken the opportunity to expressly address AIDS in a number of recent resolutions establishing and extending United Nations mission operating in regions heavily affected by the epidemic, he concluded that the Council resolve had been crucial to gaining focused government response to the threat of AIDS in a peacekeeping context and had opened the door for UNAIDS to work with defence and civil defence forces as part of comprehensive national AIDS responses. Council members addressed the issue and the Presidency prepared a summary document containing the main conclusions of the briefing.

Terrorism

On 20 November, the Security Council adopted resolution 1516 (2003), in which it condemned in the strongest terms the bomb attacks in Istanbul, Turkey, on 15 and 20 November 2003 as well as other terrorist acts in various countries, and regarded such acts, like any act of terrorism, as a threat to peace and security. The Council moreover expressed its reinforced determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations.

Security Council Committee established pursuant to resolution 1267 (1999)

On 12 November, the Security Council met in closed consultations to consider the oral quarterly reports provided by the Chairman of the Sanctions Committee against al-Qa'idah and the Taliban. The Chairman of the Committee referred to the updating and the increase in the quality of the information contained in the list of individuals under sanctions; the work accomplished by the Committee with respect to procedures and the standardization of applications for exemptions; the activities of the monitoring group; and the meetings held by the Chairman of the Committee on the fact-finding visit to Afghanistan, the United Arab Emirates, Singapore, Indonesia and Germany.

United Nations S/2004/57

Security Council

Distr.: General
21 January 2004

Original: English

Letter dated 16 January 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 17 March 2003 (S/2003/346), transmitting a third report from El Salvador submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of El Salvador to the United Nations to set out its preliminary comments. El Salvador has been requested to provide a response in the form of a fourth report by 9 April 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

04-21604 (E) 290104

United Nations S/2004/58

Security Council

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21 January 2004

Original: English

Letter dated 16 January 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 30 May 2003 (S/2003/634), transmitting a third report from the Democratic People's Republic of Korea submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of the Democratic People's Republic of Korea to the United Nations to set out its preliminary comments. The Democratic People's Republic of Korea has been requested to provide a response in the form of a fourth report by 9 April 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

04-21610 (E) 290104

United Nations S/2004/59

Security Council

Distr.: General
21 January 2004

Original: English

Letter dated 16 January 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 3 March 2003 (S/2003/262), transmitting a third report from Barbados submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Barbados to the United Nations to set out its preliminary comments. Barbados has been requested to provide a response in the form of a fourth report by 9 April 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

04-21616 (E) 290104

United Nations S/2004/60

Security Council

Distr.: General
21 January 2004

Original: English

Letter dated 16 January 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 20 March 2003 (S/2003/356), transmitting a third report from Brazil submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Brazil to the United Nations to set out its preliminary comments. Brazil has been requested to provide a response in the form of a fourth report by 9 April 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

04-21622 (E) 290104

United Nations A/58/687–S/2004/61

General Assembly
Security Council

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21 January 2004

Original: English

General Assembly
Fifty-eighth session
Agenda items 37 and 156

Security Council
Fifty-ninth year

The situation in the Middle East

Measures to eliminate international terrorism

Identical letters dated 21 January 2004 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I wish to draw your attention to the latest violation of the Blue Line from Lebanese territory which serves as a grave threat to peace and stability in the area.

On Monday 19 January 2004, at approximately 4.40 p.m. (local time), Hizbullah terrorists perpetrated a fatal anti-tank missile strike from the Lebanese side of the Blue Line on an Israeli vehicle while it was operating to neutralize a roadside cluster of explosive charges planted by Hizbullah south of the Blue Line in Israeli territory. Sergeant Major Jan Rotzanski, 21, of Herzliya was killed and a second soldier was seriously wounded when the vehicle, an engineering unit used to disarm explosive charges, was hit in the western sector of the Israel-Lebanon border near Moshav Zarit. The entire incident was observed by a United Nations Interim Force in Lebanon (UNIFIL) observation post and immediately following the incident the UNIFIL commander met with an Israeli liaison officer and confirmed that the attack constituted a grave breach of the Blue Line by Hizbullah.

This is the most recent in a series of clusters planted by Hizbullah on the Israeli side of the Blue Line. This reprehensible tactic designed to target Israeli security personnel charged with patrolling the Blue Line and protecting Israeli residents in the North from terrorist infiltrations and attacks constitutes a blatant violation of international law and Security Council resolutions.

Monday's attempt to dismantle the cluster in the western sector of the Blue Line was preceded by extensive communications between the Israel Defense Forces (IDF) and UNIFIL. At the time the cluster was first located, on 4 January 2004, the IDF notified UNIFIL, as it had in the past, and UNIFIL inspectors joined IDF patrols to confirm the existence of the cluster although UNIFIL did not take steps to disarm it. In turn, the IDF informed UNIFIL that it intended to take defensive actions to neutralize the cluster, which threatened to endanger civilian life and security personnel in the area. Hizbullah's attack on the vehicle constitutes yet

04-21537 (E) 220104

another unprovoked and illegal terrorist act directed at personnel involved in an entirely defensive operation.

Since Israel's complete withdrawal from Lebanon in May 2000, in full and confirmed compliance with Security Council resolution 425 (1978), Hizbullah attacks have aimed to terrorize civilian populations in northern Israel and provoke an escalation of hostilities along the Blue Line. Since Israel's withdrawal, Hizbollah terrorists have killed 16 Israeli citizens and wounded over 60 others in over 170 separate incidents involving terrorist infiltrations, Katyusha rockets, mortar shells, anti-tank missiles and small arms fire.

Rather than acting to fulfil its international obligations, the Government of Lebanon has effectively relinquished control of South Lebanon to Hizbullah, a terrorist organization with a global network of operatives that has supported and perpetrated countless terrorist actions, both in the Middle East and beyond. The recent incidents testify, yet again, to the fact that were Lebanon to simply meet the obligations required of all States to prevent their territory from serving as a base for terrorist attacks, tensions in the area would be immeasurably defused and Israeli measures of self-defence would be unnecessary.

Hizbullah attacks are further enabled by the direct funding and complicity of the Syrian and Iranian Governments, which are dually responsible for the escalation of violence on Israel's border with Lebanon and for the continuing instability in the area.

In the light of the impending renewal of the mandate of the United Nations Interim Force in Lebanon, and the preparation of the upcoming report of the Secretary-General on UNIFIL, it is incumbent upon the international community and the United Nations to expressly condemn this latest Hizbullah attack and make it clear to Lebanon that it will not tolerate continued support for illegal terrorist attacks. The international community must demand nothing less than for Lebanon to live up to its obligations under international law and Security Council resolutions, including resolutions 425 (1978), 426 (1978), 1310 (2000), 1337 (2001) and 1373 (2001), so as to restore peace and security in the area and to assume effective control over its territory and to prevent acts of terrorism like any responsible State.

How many more casualties will Hizbullah terrorism, Lebanese intransigence and Syrian and Iranian sponsorship have to exact before Lebanese compliance with Security Council resolutions and international law will be assured without compromise?

This letter is a follow-up to previous letters concerning the dangerous situation in South Lebanon caused by the illegal attacks perpetrated by Hizbollah across the Blue Line.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-eighth session of the General Assembly, under agenda items 156 and 37, and of the Security Council.

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative

United Nations S/2004/62

Security Council

Distr.: General
22 January 2004
English
Original: French

Letter dated 22 January 2004 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to enclose herewith the communiqué issued at the conclusion of the talks between the President of the Republic of Burundi and a delegation of the Parti pour la libération du peuple hutu-Forces nationales de libération.

This marks a positive step towards the negotiation of a comprehensive ceasefire that should be welcomed by the Council, together with the recent success of the work of the forum of the development partners of Burundi.

I should be grateful if this letter and the attached communiqué could be circulated as a document of the Security Council.

(*Signed*) Marc **Nteturuye**
Ambassador
Permanent Representative

04-21784 (E) 260104 260104

Annex to the letter dated 22 January 2004 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Final communiqué of the meeting between Domitien Ndayizeye, President of the Republic of Burundi, and PALIPEHUTU-FNL

Talks were held from 18 to 21 January 2004 at Oisterwijk, the Netherlands, between His Excellency, Mr. Domitien Ndayizeye, President of the Republic of Burundi, and a delegation of PALIPEHUTU-FNL, led by Mr. Ibrahim Ntakirutimana.

The meeting at Oisterwijk is eloquent testimony to the desire of the two parties to find ways and means of achieving a suspension of hostilities and continuing the search for a comprehensive and inclusive peace.

The goodwill manifested by the parties will help bring to an end a conflict that has been a long nightmare for the civilian population and thus increase the chances of achieving permanent peace, national reconciliation and the reconstruction and development of the country.

At the conclusion of this meeting, the two parties agreed on the following points:

- Establishment of an international commission of inquiry into the death of the Apostolic Nuncio, without placing any obstacles in the way of a national inquiry;
- Necessity of ending the violence on the ground in order to create a climate of trust that would be conducive to dialogue;
- Desire of the two parties to see an end to the bloody clashes between PALIPEHUTU-FNL and CNDD-FDD;
- To meet without delay to discuss and exchange views on matters related to the peace process in Burundi.

The Netherlands declares itself ready to assist the parties in pursuing the discussions and in following up on the points of agreement between the two parties.

The two parties expressed appreciation for the welcome extended to them by the Government of the Netherlands and thanked the facilitators for having made the meeting possible, in particular Ms. Agnes van Ardenne-van der Hoeven, Minister for Development Cooperation of the Kingdom of the Netherlands, for her participation in an initiative that should lead to the conclusion of an agreement between the Government of Burundi and PALIPEHUTU-FNL for a comprehensive ceasefire and participation in the institutions.

Done at Oisterwijk, on 21 January 2004, by

His Excellency, Mr. Domitien Ndayizeye
President of the Republic of Burundi

(*Signed*) (By order) Ambassador Aloys **Mbonayo**
Chef de Cabinet of the President of the Republic

(*Signed*) Ibrahim **Ntakirutimana**
Head of delegation of PALIPEHUTU-FNL

United Nations S/2004/63

Security Council

Distr.: General
22 January 2004

Original: English

Letter dated 22 January 2004 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to forward a letter addressed to you from Ali Said Abdella, Minister for Foreign Affairs of the State of Eritrea, which I received today (see annex). This letter is in response to the false allegations directed at my country by the National Islamic Front regime in the Sudan (see A/58/669-S/2004/14).

I should be grateful if you would kindly circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Ahmed Tahir **Baduri**
Ambassador
Permanent Representative

04-21778 (E) 230104

Annex to the letter dated 22 January 2004 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

[Original: English]

At the outset, my Government rejects all the charges made by the Sudanese Government against the State of Eritrea as contained in document A/58/669-S/2004/14. They are absolutely false. These allegations are part of a campaign to destroy the image of my country and Government and the timing is no accident. I wish to draw your attention to the fact that these allegations came at a time when (a) the leaders of Ethiopia and Sudan concluded a summit, on 29 December 2003 in Addis Ababa, that, inter alia, conspired against my country, (b) the political unrest in Sudan, particularly in Darfur region, is at its highest.

These fabricated allegations by the regime in Khartoum are thus part of a concerted smear campaign to isolate Eritrea from the rest of the Horn of Africa on one hand and to divert Sudanese public attention from the pressing domestic problems in the country on the other.

My Government finds it hypocritical on the part of the National Islamic Front (NIF) regime to file such accusations against my country with the Security Council. A regime that has a recorded history of embracing terrorism, including the hosting and supporting of Osama Bin Laden from 1991 to 1996 on its territory, and gross violations of human rights and international law has no right to point the finger at Eritrea.

The NIF regime in the Sudan has been training and arming members of the Eritrean Islamic Jihad since 1992 for terrorist acts in Eritrea. The training of these terrorist elements included in the camps of Mr. Bin Laden in both the Sudan and Afghanistan. The NIF's acts of interference in the internal affairs of Eritrea go back to the early years of seizure of power by this regime in the Sudan. For many years, its acts of unprovoked subversion and hostility have continued to escalate in spite of efforts by the Government of Eritrea to persuade the NIF regime to desist from its belligerent behaviour.

The NIF regime's subversive acts continue to this day. We wish to cite some of the most recent provocative acts:

- On 4 April 2003, a farmer and his wife were killed from mortar fire by the aforementioned terrorists in a place commonly known as Ararib at the Sudanese border;
- On 12 April 2003, the same Islamic Jihad group murdered, by sneaking into Eritrea from the Sudan, a British mining expert, Mr. Tom Nutt, in Bisha, Barka region. Mr. Nutt was working for Nevsun Resources, Ltd.;
- In June of 2003, the terrorist group attacked a Land Cruiser belonging to a charity organization, Mercy Core, in the Adobha sub-zone in Western Eritrea, and two Eritreans were killed in the car;
- On 21 November 2003, the same terrorist group destroyed World Food Programme trucks with 80 metric tons of food in Tesseney, Western Eritrea. This food was being transported hundreds of kilometres from Dekamare for the newly repatriated refugees from the Sudan to settle in the Ali Ghider and Goluj area;

- On 13 January 2004, at midnight, Sudanese security agents who claimed to have received orders from high government officials forcibly broke into the office of the Eritrean Community in Amarat and Jiref Kerib, both located in Khartoum, and detained 12 Eritrean employees of the community office. Condemning the action taken by the Sudanese authorities, the Ministry of Foreign Affairs of the State of Eritrea called for the immediate release of the Eritrean citizens who had been detained for no justifiable reason, but in vain. The Ministry further underlined that the Sudanese Government bore responsibility for the security of all Eritreans residing in the Sudan.

Given the historically good relations between the peoples of Eritrea and the Sudan, it has been my Government's sincere wish for the Sudan to live in peace with itself and with its neighbours. To this end, Eritrea has been playing an active role, with the other members of the Intergovernmental Authority for Development (IGAD), to bring a lasting resolution to the vicious conflict in the Sudan. As an immediate neighbour, Eritrea has a stake in the maintenance of sustainable peace in the Sudan. Therefore, my country will do everything in its power to bringing peace to this sisterly country in partnership with those who work for peace in the Sudan.

I should be grateful if you would kindly circulate the present letter as a document of the Security Council.

(*Signed*) Ali Said **Abdella**
Minister for Foreign Affairs

United Nations A/58/691–S/2004/64

General Assembly
Security Council

Distr.: General
23 January 2004
English
Original: Arabic

General Assembly
Fifty-eighth session
Agenda item 37
The situation in the Middle East

Security Council
Fifty-ninth year

Letter dated 22 January 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I am transmitting to you a summary of security-related events in southern Lebanon.

At 1415 hours on 15 January 2004, aircraft of the Israeli air force carried out medium-altitude flights over the `Alma al-Sha`b guardhouse.

At 1510 hours on the same day, in the vicinity of `Ayta al-Sha`b, Ruweisat al-Namriyyá district, Israeli forces fired a number of rounds of machine gun fire at Muhammad Hassan Surur, a 22-year-old Lebanese national, and Fadl Abbas Jawad, a 20-year-old Lebanese national. They were not hit.

At 2300 hours on 18 January 2004, in the Ràs Naqurah district, an Israeli military vessel opened fire on a Lebanese fishing boat in Lebanese territorial waters. No casualties were reported.

These serious violations are part of a long series of deliberate and provocative breaches by Israel of Lebanese airspace, waters and land, and are contrary to the principles of international law, legitimate international decisions and the repeated appeals by the Secretary-General for an end to such actions.

In the light of those breaches, the worsening tension and the ever more serious threats by Israel against Lebanon, its territory and its population, Lebanon urges the Security Council to deter and prevent Israel from committing such violations and issuing such threats, which endanger the peace and security of both States. Israel bears full responsibility for those violations and threats, and for any consequences that might ensue.

The Permanent Mission of Lebanon draws the attention of the Secretary-General to the gravity of these acts of aggression and to the consequences that may ensue, and requests him to have the text of this complaint circulated as a document of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

04-21826 (E) 230104 230104

United Nations A/58/691–S/2004/64*

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Security Council

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The situation in the Middle East

Security Council
Fifty-ninth year

Letter dated 22 January 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I am transmitting to you a summary of security-related events in southern Lebanon.

At 1415 hours on 15 January 2004, aircraft of the Israeli air force carried out medium-altitude flights over the 'Alma al-Sha'b police station.

At 1510 hours on the same day, in the vicinity of 'Ayta al-Sha'b, Ruweisat al-Namriyyá district, Israeli forces fired a number of rounds of machine gun fire at Muhammad Hassan Surur, a 22-year-old Lebanese national, and Fadl Abbas Jawad, a 20-year-old Lebanese national. They were not hit.

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(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

* Reissued for technical reasons.

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United Nations S/2004/65

Security Council

Distr.: General
23 January 2004

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Letter dated 23 January 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 3 November 2003 (S/2003/1064). The Counter-Terrorism Committee has received the attached third report from Slovakia submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

04-24157 (E) 090204

Annex

Letter dated 21 January 2004 from the Chargé d'affaires a.i. of the Permanent Mission of the Slovak Republic to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

In reply to your letter dated 22 October 2003, I have the honour to forward the third report of Slovakia, submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001 (see enclosure).

I would like to reiterate my Government's appreciation for the work of the Committee as well as for its close and constructive cooperation. Slovakia stands ready to provide the Committee with any further information necessary.

(*Signed*) Klára **Novotná**
Ambassador
Chargé d'affaires a.i.

Enclosure*

THIRD REPORT OF SLOVAKIA SUBMITTED PURSUANT TO PARAGRAPH 6 OF SECURITY COUNCIL RESOLUTION 1373 (2001) OF 28 SEPTEMBER 2001

(REPLY TO THE LETTER OF 22 OCTOBER 2003 FROM THE COUNTER-TERRORISM COMMITTEE CONTAINING ADDITIONAL QUESTIONS/COMMENTS ON THE SUPPLEMENTARY REPORT OF SLOVAKIA)

Bratislava, 21 January 2004

* Annexes are on file with the Secretariat and are available for consultation.

1. Implementing measures

1.2

Article 2, paragraph 3 of the International Convention for the Suppression of the Financing of Terrorism provides that for an act to constitute an offence set forth in paragraph 1 it is not necessary that the funds were actually used to carry out an offence referred to in paragraph 1, sub-paragraph (a) or (b).

The question How the Government of the Slovak Republic intends giving effect to the aforementioned article may be answered making reference to Article 7, paragraph (1) and (2) of the Slovak Penal Code, which covers the 'preparation for a crime'. The mere "procuring" of funds intended for the commission of a criminal offence is a preparation for a crime and, as such, constitutes criminal liability. Such funds are not required to be actually used. The preparation for committing a criminal offence is subject to the same sentence as the crime for which it has been made.

If an act of terrorism has been completed or attempted, the abettor to such a crime, who assisted the offender, particularly by "procuring" the means for its commission, bears criminal liability pursuant to Article 10, sub-paragraph 1 (c). Also in this case it is not necessary for the funds to be actually used to commit the crime.

The provisions of Articles 7 and 10 of the Penal Code also apply to the crimes of terrorism, as confirmed also in the UNODC Report of 21 October 2003 on the results of technical assistance in the implementation of 12 universal anti-terrorist international instruments in the Slovak domestic law.

1.3

The Penal Code was amended by Act No. 421/2002, which entered into force as of 1 September 2002. The amended provisions of the Penal Code were adopted in the same wording as presented in the Supplementary Report of Slovakia in answer to the fourth question concerning the draft amendment (page 5 and 6).

Following the entry into force of Money Laundering Act No. 367/2000 (hereinafter "Act No. 367/2000"), i.e. after 1 January 2001, the Act had to be amended in reaction to a number of international impulses and recommendations. This included, in particular:

- adoption of eight new Special Recommendations of the FATF in October 2001 aimed at restricting the financing of terrorism,
- adoption (in October 2001) of EC Directive 2001/97/EC (the so-called "Second Directive") amending Council Directive 91/308/EEC on the prevention of the use of the financial system for the purpose of money laundering,
- recommendations of the MONEYVAL Committee of the Council of Europe for the evaluation of anti-money laundering measures.

The need to amend Act No. 367/2000 was also prompted by the fact that, in the course of the first half of the year 2001, the Slovak legislative framework was assessed against 25 criteria of the Financial Action Task Force (FATF); the Report published on the outcome of this assessment concluded that certain shortcomings in the combating money-laundering existed also in the Slovak legislation. The main shortcoming identified in the Report were:

- abolition of "bearer passbooks" or adoption of a more stringent legislative framework that regulates transactions through such anonymous passbooks,
- issue of the actual beneficiary of transaction, i.e. identification of the actual beneficial owner of funds,

- scope of financial institutions to which the reporting obligations set forth in Act No. 367/2000 apply,
- supervision over the reporting entities and their compliance with the obligations set forth in the aforementioned Act.

The adoption of amendment to Act No. 367/2000 (which entered into effect on 1 September 2002) and the related amendment to the Civil Code removed all the above-mentioned deficiencies and, moreover, this basic anti-money laundering law ceased to be incompatible with *EU acquis communautaire*, since from the perspective of the Slovak and some foreign authorities or committees (e.g. MONEYVAL), the so-called Second Directive on the prevention of the use of the financial system for the purpose of money laundering has been fully implemented to Act No. 367/2000.

As mentioned in the Supplementary Report of the Slovak Republic, the approved amendment to Act No. 367/2000 also reacted to the new situation in the fight against terrorism. The new definition of the term of "unusual business operation" is exactly the same as the wording presented at the bottom of page 8 of the Supplementary Report, i.e. "the unusual business operation is a legal act or any other act indicating that the carrying out of such act could result in the legalisation of proceeds of crime or financing of terrorism". Thus, the obligation to report unusual business operations applies also to a suspicion of terrorism financing. The reporting entities are obliged to report to the Financial Police also unusual business operations whenever suspicion of terrorism financing exists.

1.4

The competence of national courts of the Slovak Republic is specified in the Penal Code.

Article 17 deals with the principle of territoriality and contains the definition of state territory also used in international law. Article 18 contains the rule of the principle of personality based on the person's nationality and permanent residence. Article 19 applies the principle of universality. Article 20 applies the principle of subsidiary universality in line with *aut dedere aut iudicare* principle. Article 20a regulates the application of the relevant international treaty. For further details see Articles 17, 18, 19, 20 and 20a of the Penal Code provided in Annex.

1.5

Prior to the commencement of criminal proceedings, Article 21 of the Police Force Act No. 171/1993 authorises the police officer to seize a thing (provisional seizure) if he/she suspects some relation of the thing to the commission of a criminal offence or misdemeanour.
The authorities acting in criminal proceedings may seize the property of the accused, or a part thereof, to secure the injured party's claim for compensation of damages pursuant to Article 47 of the Code of Criminal Procedure.

Under Article 79 of the Code of Criminal Procedure, they may seize things considered important for the purpose of criminal proceedings.

Under Article 79a, for the purpose of criminal proceedings, these authorities may take over a thing that has been placed in police seizure.

Under Article 79c, if the object of seizure are funds, they may order their freezing.

Under Article 79d, if certified securities are the object of freezing, the authorities may order the suspension of transactions in such securities.

Under Article 82 et seq., a thing important for the purpose of criminal proceedings may also be seized during a home search.

Under Article 86, also shipments may be seized.

Under Article 348, the property of the accused may be seized if it is reasonable to expect a sentence of forfeiture with respect to his/her property.

Under Article 443, on the basis of a request from a foreign authority and upon a motion by the prosecutor and subject to the conditions specified in an international treaty, a court may order the provisional seizure of the property belonging to a person against which criminal proceedings have been initiated in a foreign state.

The above-mentioned provisions refer to property or things without any further qualification, i.e. including property and things connected with the acts of terrorism. Decisions on seizure in pre-trial criminal proceedings are issued by the prosecutor, whereas the court issues seizure decisions in judicial criminal proceedings. The person affected may appeal against such decisions. Once a decision on seizure has been issued, the person may no longer dispose of his/her property, whether physically or through legal transactions.

The provisions further specify how the seized things are stored, administered and returned provided that a sentence of forfeiture or confiscation has been issued or they are no longer necessary for the purposes of criminal proceedings.

Since 1 September 2002, the existing legislation in the Slovak Republic allows to freeze funds/accounts suspected of having terrorist links on the basis of a decree of the Slovak Government (No. 707/2002) which may be issued in accordance with Article 5 of the Act No. 460/2002 on the implementation of international sanctions maintaining international peace and security (Sanction Act) following a decision of the Security Council of the United Nations or the Council of the European Union on particular sanctions. This Sanction Act has replaced the Foreign Relations Act No. 42/1980.

1.6

Act of the National Council of the Slovak Republic No. 243/1993 on Weapons and Ammunition, as amended (effective at the time of submission of the 1st Supplementary Report to the CTC) defined types of weapons that could be held and carried, conditions for import, export and transit of weapons and ammunition and the rights and obligations of the holders of weapons and ammunition. However, effective from 1 January 2004, it was replaced by a new Act No. 190/2003 on Firearms and Ammunition. The Act specifies the types and categories of firearms and ammunition, conditions for the ownership, possession, carrying and use of firearms and ammunition, the rights and duties of the holders of firearms and ammunition, conditions for export, import and transit of firearms and ammunition, conditions for setting up and operating of shooting ranges, conditions for public display of firearms and ammunition, operation of information systems in the area of firearms and ammunition, supervision over compliance with the Act, and sanctions for breach of duties imposed by the Act.

The relevant District Directorates of the Police Force of the Slovak Republic are the competent authorities under this Act. The Ministry of Interior is the competent authority in the case of doubts as to the classification of individual types of firearms and ammunition under the Act (Article 3, paragraph 2). Ministry is authorised to grant exceptions from the ban on the ownership, possession and carrying of so-called "prohibited arms and ammunition (Article 8, paragraphs 2-5, Articles 9 and 10). Furthermore, it provides information on the transport of firearms and ammunition, issues permits to own or possess arms classified in Categories A, B or C under the conditions specified in Article 66, and, in co-

operation with the police departments and performs supervision over the compliance with the provisions of the Act.

The District Directorates of the Police Force monitor the validity of firearm permits and firearm licences and keep a register of all documents mentioned above.

A firearm permit is a public document that authorises its holder – a natural person – to hold or carry a firearm and ammunition to the extent specified for individual categories of firearm permits (Group A-F, depending on the purpose for which the firearm or ammunition is used and the extent of authorisation to carry or hold a firearm). On the basis of a written application a firearm permit is issued by the relevant police department to a person which:

- has a full legal capacity
- has attained the prescribed age pursuant to Article 18
- has no criminal record and is reliable
- has submitted a medical opinion confirming his/her capacity to hold or carry a firearm and ammunition
- has demonstrated professional skills to hold or carry a firearm by passing a test before a board of examiners
- has residence in the Slovak Republic
- has demonstrated a need to hold or carry a firearm and ammunition.

Other particularities and documents to be submitted with the application are laid down in Article 17 of the Act. The firearm permit is issued for a period of 10 years; in the case of a foreign national, the firearm permit is issued for the period of his/her permitted stay in the Slovak Republic if the stay is shorter than 10 years.

Under Article 28, sub-paragraph 4 (a), the holder of a firearm permit may not transfer the ownership of firearm and ammunition to a person not authorised to hold it. The transfer of firearm ownership takes place at a police department where a firearm is registered and subject to conditions specified in the Act.

A firearm licence is a public document that authorises a natural person-entrepreneur or a legal person to own and hold firearms and ammunition to the extent specified for individual categories of the firearm licence (A-G, depending on the purpose for which the firearms and ammunition are used).

A firearm licence is issued by the respective police departments to a natural person-entrepreneur or a legal person, which

- is the holder of the respective business licence, applied for the firearm permit of Group A, B, C or D, and submitted application for the firearm licence
- substantiates the need to have such a licence
- demonstrates the availability of suitable premises where the firearms and ammunition under this Act can be secured (these premises are subject to inspection)
- demonstrates that it is duly authorised to carry out the activities in respect of which it applies for firearm licence of Group E, F or G. At the same time, the applicant for a firearm licence or members of the applicant's statutory board (if an applicant is a legal person) have a full legal capacity and meets the condition of no criminal record and reliability pursuant to Article 19.

The holder of a firearm licence may not transfer the ownership of the firearm and ammunition to a person which is not duly authorised to acquire such firearms and ammunition into its ownership.

Subject to the conditions specified in Articles 40 to 43, the police departments also issue so-called 'firearm transport certificates' for the purpose of permanent or temporary export, import or transit through the Slovak Republic of specified types of arms and ammunition.

Article 46 sets out the conditions for the issuance of the European Firearm Passport.

An entrepreneur with registered office or residence of business in the Slovak Republic, or an entrepreneur with registered office or residence of business outside the Slovak Republic, may transport firearms in Categories A-C and ammunition to such firearms, if they are intended for export, import or transit, based on the permit issued by the Ministry of the Interior of the Slovak Republic.

1.7

The measures arising out of the implementation of the Register of undesirable persons are applied at all border checkpoints including international airports through the use of specialised on-line system for the blockage of persons. The system includes information on the persons appearing on the list of undesirable persons, in the database of police searches, and in the register of one-off or permanent blocking. Upon entry into force of Regulation No. 78/2002 of the Ministry of the Interior (1 January 2003), Slovakia has established a legislative framework for the inclusion of data provided by third countries into the system "Register of undesirable persons", which is available to the Border Control Departments of the Slovak Police Force at all border crossings (such as the inclusion of data on the persons appearing on the Unified List in accordance with the UN Security Council resolutions).

Upon accession to the Schengen area within the EU and implementation of the Schengen acquis, the mode of use and the content of the Register of undesirable persons will change, taking into account the fact that it will become a part of the Schengen Information System to the specified extent.

1.8

The upgrade of the old "AFIS" system and the delivery of a new hardware and software were completed in April 2003. Image taking device (camera) was installed into the system. The upgraded system is not only able to search the database of fingerprints at terminals abroad, but also the database of persons with criminal record and the database of wanted persons. The number of terminals increased from 60 to 80. They are located at all border crossings (including international airports); the AFIS terminal installed at the border crossing is used in both entry and exit directions.

With regard to the implementation of EURODAC in Slovakia, which is currently under way, EURODAC will be connected to the existing AFIS terminals at border crossings.

The "TERROR" list is a part of the Register of undesirable persons and is thus used at all border checkpoints (cf. section 1.7).

1.9

Where a person is justifiably suspected of terrorist activities, i.e. person who finances, plans, supports, or commits terrorist acts, or provides safe haven, the Police normally carries out an investigation.

In these cases the relevant identification data are put into the information systems of the Police. On the basis of what was mentioned above, the police unit operating at border crossings immediately find out these facts and act in accordance with laws and internal regulations of the Ministry of the Interior.

The fact that a person applied for the status of refugee is taken into consideration in all European countries and takes priority over all other proceedings. It means, in practice, when a person is suspected of committing a criminal act and the prosecution is in place, this prosecution can be held only after the issuing of a valid decision in the asylum proceeding.

Granting of asylum does not, however, prejudice subsequent criminal prosecution by the Slovak authorities. If a country, in whose territory an alleged offender has habitual residence or in whose territory the offence has been committed, requests for mutual legal assistance, the Slovak Republic shall

not extradite the alleged offender to the requesting country. In such a case the offender will be prosecuted in the Slovak Republic for the offence committed abroad pursuant to Articles 19 or 20 of the Slovak Penal Code and in accordance with the relevant legal norms (see also Articles 19 and 20 in Annex).

1.10

The criminal liability of those who plan, prepare or commit terrorist acts, is governed by Articles 7 and 10 of the Penal Code. If such acts are prepared in Slovakia and directed against another country, the criminal liability shall be considered in the light of the provisions of Articles 17 to 20a, as explained in answer to the question 1.4 concerning the territorial scope of application of the Slovak Penal Code. The wording of Article 7 and 10 is annexed and so are the provisions of Articles 379 and 389 of the Code of Criminal Procedure.

1.11

Also annexed is a new Chapter 23 on External Legal Relations of the Code of Criminal Procedure, which, upon entry into effect of the amendment to the Code of Criminal Procedure from 1 October 2003, replaced former Chapter 24 of the Code.

1.12

The extradition procedure is governed by the provisions of Chapter 23 "External Legal Relations" of the Code of Criminal Procedure. Namely, Section II (Articles 383 to 407), Subsection "Enforcement of decisions in relation to other countries" (Articles 408 to 414) and Subsection "Transfer of sentenced persons" (Articles 415 and 416).

As regards the question whether the provisions of Chapter 23 can provide the basis for mutual assistance in criminal matters with other countries in the absence of a bilateral mutual assistance treaty between the Slovak Republic and requesting state, or vice versa, it is important to underline, that the provisions of Chapter 23 of the Code of Criminal Procedure are applicable in particular in the absence of such international treaty. Provisions of this Chapter shall apply unless an international treaty provides otherwise (Article 372).

1.13

The principle *aut dedere aut judicare* applies in accordance with international treaties, which are binding upon the Slovak Republic. In Article 20 of the Penal Code, the principle of subsidiary universality is established in line with the principle *aut dedere aut judicare*.

1.14

The obligations of carriers are laid down in Article 51 of Act No. 48/2002 on the Residence of Aliens. Under this Act, the carrier that has transported an alien to the territory of Slovakia is responsible for ensuring that the alien has all documents necessary for the entry. Under Article 51, if such an alien has been denied the entry to the Slovak Republic for the reason of missing documents, the carrier has an obligation to transport the alien back.

In connection with the upcoming implementation of the Council Directive 2001/51/EC supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement into the Slovak legislation (aforementioned act), the obligations of carriers will be further broadened.

1.15

Act No. 381/1997 on Travel Documents defines individual types of travel documents as follows:

Article 6 (Travel passport)

(1) The travel passport is issued to a citizen by the District Office with jurisdiction over the place of the citizen's permanent residence; if a citizen has no permanent residence in the Slovak Republic, then according to his last permanent residence in the Slovak Republic. If a citizen has never had a permanent residence in the Slovak Republic, the travel passport shall be issued by the Bratislava I District Office (hereinafter "Competent District Office").

(2) On the basis of a well-grounded application, the travel passport may be issued also by a district office other than the Competent District Office.

(3) The travel passport is issued with territorial validity for all states of the world.

(4) The travel passport is issued for a period of 10 years; to citizens below the age of 15 the travel passport is issued for a period of two years.

Article 9 (Travel Card)

(1) A travel card is a travel document valid for a single travel, the territorial and temporal validity of which is limited by the purpose of travel. The travel card is issued to the citizen who has no other travel documents issued by the Competent District Office or diplomatic missions, particularly for the purpose of a citizen's return to the Slovak Republic, and, in urgent cases, also for travel to states where a travel card is recognized as a travel document; On the basis of a well-grounded application, the travel card may be issued also by a district office other than the Competent District Office.

(2) Prior to issuing a travel card, a diplomatic mission abroad shall verify the information presented in the application for the issuance of the travel card with the Competent District Office, provided that the citizen himself is unable to prove their authenticity and completeness.

Article 10 (Travel Identity Card)

The travel identity card is issued with a validity of two years by the competent Police Department to a stateless person who has a permanent residence in the Slovak Republic.

Article 11 (Other document)

(1) Other document is a document, which under the provisions of an international treaty has a status of a travel document (e.g. Treaty between the Czechoslovak Socialistic Republic and the Federal Republic of Austria on Common State Borders (No. 95/1975));

(2) If a document is a citizen's identity card, the provisions of this Act applicable to other types of travel documents shall not apply to this identity card (e.g. Agreement between the Government of the Slovak Republic and Government of the Czech Republic on the Abolition of the Visa Requirement (No. 225/1993)).

Moreover, Act No. 48/2002 on the Residence of Aliens distinguishes two other types of travel documents - alien passport and alien travel document.

Pursuant to Article 47 of Act No. 48/2002 on the Residence of Aliens
(1) Alien's passport is a document authorising the alien to exit the territory.

(2) Police department shall issue Alien's passport to the alien who has no passport of his/her own and it is impossible to obtain the passport through the diplomatic mission of the state of which nationality, and
a) who has been granted a tolerated residence permit,

b) who is to be expelled from the territory of the Slovak Republic by an administrative decision or who has been given a sentence of expulsion, or

c) who was born in the territory of the Slovak Republic.

(3) Police department shall set the validity of the Alien passport for the necessary period of time, but in no case for more than one year. Police department may extend the validity of an Alien passport repeatedly.

(4) Police department shall specify the territorial validity of an Alien passport depending on the purpose for which the passport has been issued.

(5) Police department shall revoke an Alien passport if the reasons for which it has been issued cease to exist.

(6) The issuance and revocation of an Alien passport shall not be subject to the general regulation on administrative proceedings.

The Alien passport is issued for the purpose of the alien's exit from the Slovak Republic.

Under Article 48 of Act No. 48/2002 on the Residence of Aliens, the alien's travel document is issued to a stateless person (defined in Article 27 of the Convention Relating to the Status of Stateless Persons) who has been granted the residence permit in the Slovak Republic or the person who has been granted the refugee status in the Slovak Republic (defined in Article 28 of the 1951 Refugee Convention).

The alien travel document authorises an alien to exit the territory of the Slovak Republic and enter the territory of the Slovak Republic during the term of its validity as any citizen of the Slovak Republic who is the holder of an ordinary passport.

The system used for the issuance of such documents is fully computerized and individual offices that issue such documents (Departments of Alien Police and Passport Service) are interconnected.

1.16

The Slovak Republic does not permit a routine entry/exit of Slovak nationals or nationals of other states to/from its territory on the basis of the national identity card.

The entry into or exit from the Slovak Republic is in principle possible only on the basis of a valid travel document, i.e. travel passport, unless an international treaty binding upon the Slovak Republic provides otherwise. Currently, such an entry/exit on the basis of the national identity card is possible only with respect to Germany, the Czech Republic and Switzerland.

1.17

The acts that shall be criminalized under the 12 international conventions, are classified in the Penal Code as follows:

Terror under Articles 93 and 93a, Terrorism under Article 94, Illegal Crossing of State Border under Article 171a, paragraphs (2), (4) and (5), General Endangerment under Article 179, paragraphs (2) and (3), Endangerment of the Safety of an Aircraft and Civilian Vessel under Article 180a, Damaging and Endangering the Operation of a Generally Beneficial Establishment under Article 182, Prohibited Acquisition and Possessions of Firearms under Article 185, paragraphs (2), (3), (4) and (5), Establishing, Masterminding and Supporting a criminal group or a terrorist group under Article 185a, paragraphs (1) and (2), Illicit Production and Possession of Nuclear Materials and High-risky Chemical Substances under Article 187a, paragraph (3) and Article 188, Murder under Article 219, Bodily Harm under Article 221, paragraph (4) and Article 222, Deprivation of personal liberty under Article 232, Robbery under Article 234, paragraphs (2) and (3), Kidnapping of a Person and Keeping it Abroad under Article 233, Taking of Hostages under Article 234a, paragraph (3), Extortion under Article 235, paragraphs (2) and (3), Unlawful Appropriation under Article 249, paragraph (3) and (4), and Damage to Another's Property under Article 257, paragraphs (3) and (4).

1.18

The legislation of the Slovak Republic as a State Party to the 1951 Geneva Convention Relating to the Status of Refugees ("Convention") and the 1967 New York Protocol Relating to the Status of Refugees ("Protocol"), regulates, effective from 1 January 2003, the aspects of asylum by the Asylum Act No. 480/2002.

Under Article 13, paragraph (1) of the Asylum Act, the Ministry of the Interior shall not grant an asylum if there is a justified suspicion that the applicant

a) has committed a crime against peace, war crime or crime against humanity according to international instruments related to such crimes,

b) has committed a serious non-political crime outside the territory of the Slovak Republic prior to applying for asylum, or

c) was found guilty of acts contradictory to the objectives and principles of the United Nations.

Under Article 13, paragraph 2, the Ministry shall not grant an asylum to an applicant who is a national of more than one State and who refuses the protection of the State of his/her nationality, while this is not a State under Article 8.

Hence, Article 13, paragraph (1) has incorporated the exclusive clause (Article 1 f of the Convention), according to which persons involved in terrorist acts may be excluded from the protection under the Convention for any of the reasons stipulated in Article 1f (Article 13, paragraph (1) of the Asylum Act).

If any state requests the Slovak Republic to return an applicant for asylum, a person granted an asylum, an alien applying for a temporary safe haven or a de facto refugee, the Slovak Republic is obliged to comply with Article 33 of the Convention and Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 1950). These provisions are reflected in Article 47 of the Asylum Act (Prohibition of Expulsion or Return), which reads as follows:

Article 47

(1) No applicant, person granted an asylum, alien applying for a temporary safe haven or de facto refugee can be expelled in any way or returned to the borders of the territory of the country where his/her life or freedom would be threatened for reasons of his/her race, religion, nationality, membership of a certain social group or political opinion; the benefit of this provision shall, however, not apply to a person that can reasonably be regarded as a danger to the security of the Slovak Republic or who, after being convicted by a final judgment for a serious crime, constitutes a danger to the society.

(2) No applicant, person granted an asylum, an alien applying for temporary safe haven or de facto refugee can be expelled in any way or returned to the borders of the territory of the country where he/she would by tortured or exposed to cruel, inhuman or degrading treatment or punishment.

If the investigation of the particular case concludes that any of the threats mentioned in Article 47 exists in the requested state, the Slovak Republic shall not expel the alien to such State.

It is necessary to mention that Article 58 of Act No. 48/2002 on the Residence of Aliens as amended by the Asylum Act No. 480/2002, sets forth the "limits to administrative expulsion", which must be taken into consideration in the proceedings involving administrative expulsion of aliens.

"Article 58
Limits to Administrative Expulsion

(1) The alien can not be administratively expelled into a State, in which his/her life would be endangered for reasons of his/her race, religion, belonging to a certain social group, or for a political opinion. Similarly, it is not possible to administratively expel an alien to a State, in which he/she was sentenced to death, or it is assumed, that in an ongoing proceeding such penalty could be imposed.

(2) The alien can not be expelled to a country, in which his/her freedom for reasons of his/her race, religion, belonging to a certain social group, or for political opinion would be endangered, or in which he/she would be in danger of torture, cruel, inhuman or degrading treatment or punishment; this does not apply his/her conduct threatens the security of the State or if he/she has been convicted for a serious crime and represents danger for the Slovak Republic.

(3) A stateless person, who holds a permanent residence permit, may be expelled administratively only if he or she acts in a manner that constitutes a threat to security of the State and/or public order and is not covered by the provisions of paragraphs 1 and 2".

Under Article 15, sub-paragraph 2 (g) of the Asylum Act, the Ministry shall revoke an asylum if there is a suspicion that the person granted an asylum committed an act under Article 13, paragraph (1) of the Asylum Act.

Under Article 15, sub-paragraph 4 (b) of the Asylum Act, the Ministry may revoke asylum if it was granted on the basis of false information or forged documents or a person granted asylum withheld facts essential for establishing the merits of the case in a reliable way.

The Slovak Republic perceives the application of the exclusion clause as a very sensitive issue and, in the practical application of this clause, will follow e.g. the UNHCR Guidelines for the Application of the Exclusion Clauses /Geneva, December 1996/ and the conclusions, information and experiences obtained at conferences and seminars on the application of the exclusion clause.

Neither the Penal Code, nor any other provisions of the Slovak legislation defines the term "political" or "non-political" criminal offence. However, as noted also in the UNODC Report of 21 October 2003, there is no political (and fiscal) excuse for non-extraditing: Article 372 on *International Treaties* gives precedence to international treaties over the provisions of the Code of Criminal Procedure including the Article 394 on *Inadmissibility of Extradition*. This means that offences listed in the International Convention for the Suppression of Terrorist Bombings, the International Convention for the Suppression of the Financing of Terrorism and the European Convention on the Suppression of Terrorism will not be considered as offences of political nature. Political (and fiscal) offences would not be grounds for refusal of extradition, Article 394 of the Code of Criminal Procedure will not be applied in these cases.

In Article 394, the Code of Criminal Procedure provides for situations where an expulsion is inadmissible (see also Article 394 in Annex).

In connection with Annex 4 on page 26 of the Supplementary Report of the Slovak Republic for the CTC, we correct the information stating that the Migration Office of the Ministry of the Interior is a part of the organisational structure of the Slovak Police Force Presidium or the Office of Border and Alien Police. In fact, the Migration Office is an organisational unit of the Security Section of the Ministry of the Interior.

1.19

The following documents are annexed:
1. Questionnaire of the Multidisciplinary Working Group on Organized Crime on Firearms based in Brussels (in connection with the 3rd Protocol supplementing the UNTOC Convention) of 28 May 2003,
2. Evaluation Report for Slovakia from GRECO of March 2003,
3. UN ODC Report of 21 October 2003.

2. Assistance and guidance

2.1

Slovakia does not have any particular area, in which assistance or advice would be specifically necessary. On the other hand, she is open and appreciates any form of technical assistance or advice.

The UN Security Council Resolution 1373 (2001) is being implemented in Slovakia through relevant implementing legislation. Slovakia however, is not for the time being in a position to offer sufficient assistance or advice to other States. If this changes, we will inform the CTC subsequently.

2.3

On 23 and 24 June 2003 the Ministry of the Interior in Bratislava hosted a workshop in co-operation with the UNODC of Vienna with the purpose to evaluate the compliance of the Slovak legislation with the UN Convention against Transnational Organized Crime and the Protocols thereto, as well as the compliance with the 12 anti-terrorist universal international legal instruments.

The follow-up meeting of the Slovak and the UNODC experts took place on 20 October 2003 in Bratislava. The Report of the UNODC dated 21 October 2003 on the workshop and its results is annexed.

In this connection, we should like to inform the CTC that on 13 September 2002 the Slovak Republic deposited with the UN Secretary General the instrument of ratification to the International Convention

for the Suppression of the Financing of Terrorism and, on 3 December 2003, the instrument of ratification to the UN Convention against Transnational Organized Crime. UN Convention against Transnational Organized Crime entered into force for the Slovak Republic on 2 January 2004.

Annexes:

1. Chapter 23 of the Code of Criminal Procedure
2. Most recent version of Articles 7 and 10 of the Penal Code concerning the preparation for and participation in the commission of a criminal offence and Articles 17 to §20a of the Penal Code
3. Most recent version of Act No. 367/2000 on Money Laundering.

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Security Council
Fifty-ninth year

Identical letters dated 22 January 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General and the President of the Security Council

Further to our letters dated 4 and 8 January 2004 concerning the incitement, support, sheltering and training of the outlaw groups by Eritrea in order to destabilize the Sudan and to cripple the ongoing peace process, I have the honour to enclose herewith a news item published by the Integrated Regional Information Networks (IRIN) on 16 January 2004 stating that the outlaw groups in the Darfur region (western Sudan) had forged an alliance with the eastern outlaw groups (Beja Congress) as already stated in our letter dated 8 January 2004 referred to above (see annex).

As I put this evidence of the flagrant support provided by Eritrea to terrorist groups before you, I would highly appreciate it if you could kindly circulate the present letter and its annex as a document of the fifty-eighth session of the General Assembly, under agenda item 156, and of the Security Council.

(*Signed*) Elfatih **Erwa**
Permanent Representative

04-21953 (E) 260104

Annex to the identical letters dated 22 January 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General and the President of the Security Council

Sudan: western and eastern rebels forge alliance

Nairobi, 16 January 2004 (Integrated Regional Information Networks (IRIN))

A rebel movement in the Darfur region of the western Sudan, the Sudan Liberation Army (SLA), forged an alliance this week with an eastern rebel group, the Beja Congress.

A joint declaration signed on Tuesday stated that both parties would "continue their struggle together until they get rid of marginalization, poverty, ignorance and backwardness". Ali al-Safi, a member of the Central Committee of the Beja Congress, told IRIN from the Eritrean capital, Asmara. "The struggle will continue using all the tools (available) and with close coordination between the two parties", he said.

"It was quiet (in the east), because people were expecting to be included in the Naivasha (Kenya peace) talks", he said. "But from now it will not be quiet. One can expect an escalation of fighting in the east, because the Government is seeking a partial solution (to the Sudan's problems) with the Sudan People's Liberation Movement/Army (SPLM/A)."

The Beja Congress campaigned unsuccessfully to take part in negotiations in Kenya between the Government and SPLM/A, which are expected to lead to a peace agreement later this month. It rejected a deal on security arrangements signed by the two sides in October 2003, and shortly afterwards limited skirmishes resumed in the east after a break of several months.

"We think that the international community doesn't intercede unless there are extensive losses of life, such as the 2 million in the southern Sudan. This might be the price that other groups have to pay to get their attention", added al-Safi.

He said the injustices that had provoked the western rebels, SLA, to resort to an armed struggle were essentially the same as those in the east, and that both sides would henceforth present their grievances together as a united front.

Both rebel groups say they are fighting for economic and political power in a federalized Sudan.

A member of SLA in Darfur, Adam Ali Shogar, confirmed that there was an agreement, saying that both groups were "joining in the struggle against the government", and that they were both seeking "peace and equality in the Sudan".

He said their problems concerned the whole of the Sudan and they would fight together if no settlement was reached.

The 2.2 million Beja of the eastern Sudan have been neglected by central Governments for decades, leaving them vulnerable to malnutrition, famine and disease.

The political wing of the Beja Congress had been formed in the 1960s to voice grievances against marginalization of the region, but, frustrated by a lack of progress, had begun an armed struggle by the 1990s.

According to the International Crisis Group (ICG) think tank, Beja frustration reached new heights in the 1990s when Khartoum "aggressively promoted" its version of Islam in the region, launching army attacks on Beja mosques and religious schools, which follow a more tolerant form of Sufi Islam. It also offered some of the most fertile land along the Gash river to government supporters and investors from the Arab Gulf States.

Having joined the opposition umbrella group, the National Democratic Alliance (NDA), in 1995, hundreds of Beja were sent to training camps in Eritrea and, together with other NDA armed groups, had started full-scale operations on the eastern front by 1997.

They are currently reckoned to have a few hundred fighters, according to ICG.

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Letter dated 23 January 2004 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

I have the honour to enclose herewith the text of the speech delivered by President Laurent Gbagbo on 20 January 2004 to the diplomatic corps accredited in Côte d'Ivoire, to mark the New Year (see annex). This message essentially deals with the resolution of the crisis that the country has been experiencing for nearly 16 months.

I should be grateful if you could arrange to have the text of this letter and its annex published as a Security Council document.

(*Signed*) Philippe **Djangone-Bi**
Ambassador
Permanent Representative

04-22101 (E) 290104 290104

Annex to the letter dated 23 January 2004 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

Address by President Laurent Gbagbo to the Diplomatic Corps

(20 January 2004)

Ambassadors,
Chairpersons of institutions,
Ministers,
Journalists,
Friends,

I am pleased to see this ceremony taking place this year since, as you will all remember, it was not possible for it to take place last year. On this date last year, we had to marshal our forces to save Côte d'Ivoire. We did not have the time to gather to congratulate ourselves and wish each other a happy new year. This meeting therefore represents progress, and I wish to express this progress and give it the praise it deserves.

Members of the diplomatic corps, representatives of international institutions, I wish you a very good 2004. I wish you and your families a good year. And I also wish your countries, the sovereign rulers who have accredited you here in Côte d'Ivoire, a good year. I wish peace to reign on earth and that, in our underdeveloped and underdemocratized Africa, we will achieve peace even as we build structures of peace.

Your Excellency Monsignor Zerari,

I listened to your statement, and I liked it because it is the statement of a friend. It is my belief that nothing can prevent us from achieving peace, and, precisely, you must struggle against the impatient ones. The impatient ones, to whom you refer. The impatient ones because of whom the children of Israel stoned Moses in the desert. They were wrong, for Moses was leading them irreversibly towards the promised land. They took 40 years to do so, but they reached it. I do not wish us to take 40 years to achieve peace. I would like us to achieve peace tomorrow. But we must achieve genuine peace, not artificial peace. This is why all issues are being examined thoroughly, and I am pleased to see how hard Côte d'Ivoire is working towards this goal.

When one has spent one's life struggling under a single party to have the right to speak, to have a multiparty system, I assure you that it can be a pleasure to see people go on strike against oneself, for this is the very right we struggled for. This is the right for which we lost a few months, a few years of our freedom.

But Ivorians now know that without peace, they cannot even exercise this right. You see, there were no strikes while war was being waged. There were no movements in any city, in any service. Everyone was tense. Everyone was braced for war. Everyone was wondering about his own future. But as soon as spring arrived and a few flowers began to bloom on the trees, everyone rejoiced. I rejoice for the people of Côte d'Ivoire, but I ask them to give me a bit of time to fully achieve

peace. After which, they can reclaim the right to strike, to which every sovereign people is entitled. Therefore, we will achieve peace.

There is no other solution today than to achieve peace. I think that everyone has understood. All the parties in conflict have understood that there is no solution but peace. We therefore want peace.

Everyone wants peace. I myself find that this process is too slow. But, from my perspective, I cannot take hurdles two or three at a time. I am obliged to take one hurdle at a time. At my pace, if someone tries to take two hurdles at a time he falls and ends up last. I have no desire to be last. Therefore, I take one hurdle at a time. This way I am sure to reach the end of the forest. Before I let you go back to your families, I would like to make some comment on a few issues of current interest.

It is true that there is currently some grumbling on television. But this is normal. And I am surprised to see so many explanations being offered for something that is quite ordinary.

This minister is making reforms. He appoints managers, the people in his service are not happy, they grumble. This is a sign of democracy. Let it be. We are working to resolve this crisis, which is not really a crisis at all. We might even have resolved it, if I had not been absent, but I have appointed a minister to hold talks with all sides. He will brief me tonight and tomorrow we shall see where the discussion stood before I left. But I want to say that this is nothing abnormal, nothing that runs counter to peace. It is not an insurmountable problem; we will resolve it. I have seen worse things since taking office. We shall work together with all the parties to find a reasonable solution that respects each and every person. Please, do not give a problem more importance than it actually has. That is the first issue I wanted to comment on.

The second comment concerns the referendum. People have divergent, opposing points of view ... I have never seen a democratic country where opposing views are not voiced as soon as the President of the Republic announces a referendum. So this is completely normal. If Ivorians had not expressed themselves on this issue I would have been worried. If they express conflicting views, that is normal democratic life. So I will not raise this again. I simply wanted to clarify a few points.

There is some confusion about these issues submitted to referendum. There is one issue that I did not decide to submit to referendum. I do not have the last say on this; the Constitution does. Some say that Marcoussis did not provide for two referendums, three referendums. Marcoussis did not provide for any referendums at all. Marcoussis does not decide how the instruments are adopted; the Constitution does

The Constitution states that in order for the Constitution itself to be amended, the text of the amendment has to be brought before the Parliament. A two-thirds vote is necessary and one that is done, the people are asked to decide by referendum. I do not say so; the Constitution does.

On the other issues, Ivorians must know that the President of the Republic can submit to referendum any issue he deems appropriate.

Any issue! Any issue whatsoever. Issues about which my compatriots have the right to express themselves. But in so doing, I did not ask their opinion. I avail myself of the right granted to me by the Constitution to ask their opinion when the time comes. Therein lies the problem. Therefore, people must not be concerned at the fact that there are many referendums. I prefer five or 10 referendums per year to one war.

Too much democracy does not kill peace. In fact there has never been such a thing as too much democracy. I therefore decided to submit a number of issues to referendum because that responsibility lies with me alone. And do not worry about whether these referendums confuse the replies to other questions, for that is a technical problem. There are technicians to do that work, and they will do their jobs. My job is political, to question the people about a particular issue, and I will do it! That is the comment I wished to make.

Another comment concerns the re-emergence of a number of issues within the army: The "demobilization of class 98-2A". I will speak about that with the military in a little while ... The famous "zinzins" and "bahéfoués", the announced demobilization of the recruits of classe 2001-2A, all those issues, I will speak about them with the military in a little while. The thing to remember is that we are heading towards peace and that since 4 December we have been on the path to achieving it.

Ladies and gentlemen, I would have liked to go 100 miles-per-hour, but my car is not very powerful, so I am going slowly, slowly, but surely. I thank you. God bless you!